



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

3 2044 047 225 479

Ad. Jan. 1943



HARVARD LAW SCHOOL
LIBRARY

Received *Mar. 17. 1910*

Natal. Laws and Statutes. Compilations

*Natal ordinances, laws &
and regulations
compiled and edited by
Charles Fitzwilliam Cadiz THE*

JNO. BURNE,
—+—
SOLICITOR,
—+—
DURBAN.

LAWS OF NATAL.

VOL. III.

1879 — 1889

(INCLUSIVE).

COMPILED AND EDITED, UNDER THE SUPERVISION
OF HENRY COOKE CAMPBELL, ACTING
PUISNE JUDGE OF THE SUPREME
COURT OF NATAL,

BY

WILLIAM BROOME,
ADVOCATE; MASTER AND REGISTRAR OF THE
SUPREME COURT OF NATAL.

BY AUTHORITY.



PIETERMARITZBURG:

PRINTED BY WM. WATSON, GOVERNMENT PRINTER,
CHURCH STREET.

MDCCCXC.

*500/N
212
CAD*

Soa. 71
132
889

MAR 17 1910

NATAL ORDINANCES AND LAWS.

VOL. III.

LAW No. 1, 1879.

(Signed) HENRY BULWER.

To provide till the expiration of the Year 1880 for the Management and Working of the Natal Government Railways.

Expired on 31st December, 1880.—*Vide* Law 25, 1880.

LAW No. 1, 1880.

(Signed) HENRY BULWER.

To provide for the Restraint and Safe-keeping of Refractory Prisoners.

Repealed by Law 39, 1887.

LAW No. 2, 1880.

(Signed) HENRY BULWER.

To provide for the Compensation in certain cases of injury sustained, by Railway Construction.

WHEREAS injury is occasionally suffered by the severance of Preamble. lands, necessarily caused by the construction of railways, and by removal of bush therefrom under the provisions of the Laws in force in this Colony :

And whereas it is expedient that better provision should be made for the payment of compensation to landowners or others who have already sustained, or may hereafter sustain, damage in connection with the severance of lands improved by cultivation, irrigation, or otherwise :

Railway Construction.—Surveys of Railways.

And whereas it is expedient for such purpose to repeal Law No. 4 of 1878 :

Be it therefore enacted by the Lieutenant-Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

Law No. 4, of 1878, repealed.

1. Law No. 4 of 1878, entitled Law “ To provide for the compensation in certain cases of injury sustained by railway construction,” shall be, and the same is hereby repealed. Provided that all proceedings, matters, and things lawfully had or done before the commencement of this Law by, under, or in pursuance of the said repealed Law, shall be of the same force and effect, to all intents and purposes, as if no such repeal had taken place ; and that no suit or proceeding which shall at the time of the commencement of this Law be depending in any Court shall abate or be discontinued, or be in anywise prejudiced or affected, but shall be proceeded with, heard, and determined under the provisions of this Law.

Past and future claims for damage by severance or by destruction of bush to be ascertained and dealt with under Law No. 19, of 1875.

2. In all cases where claims for compensation have been or may be preferred by reason of damage caused by railway construction, by reason of any severance of lands improved by cultivation, irrigation, or otherwise, or by reason of damage done by the destruction of bush which may have saleable value, the compensation so claimed as aforesaid shall be ascertained and determined in the same way as are claims for compensation now made, preferred, and adjudicated upon under the provisions of Law No. 19 of 1875, entitled Law “To provide for the construction and maintenance of the main roads of the Colony.”

Commencement of Law.

3. This Law shall commence and take effect from and after the date of promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 3, 1880.

(Signed) HENRY BULWER.

To make provision for the making of Surveys for the Extension of Railways.

Preamble.

WHEREAS it is expedient to make provision for the preparing, making, and performing of certain Surveys necessary for the extension of the Railway System of the Colony of Natal :

And whereas it is desirable for such purpose to repeal and re-enact, with amendments, the Law No. 1 of 1878 :

Surveys of Railways.

Be it therefore enacted by the Lieutenant-Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. Law No. 1 of 1878, entitled Law “To make provision for the making of surveys for the extension of railways,” shall be, and the same is hereby, repealed. Provided that all proceedings, matters, and things lawfully had or done before the commencement of this Law, by, under, or in pursuance of the said repealed Law, shall be of the same force and effect to all intents and purposes as if no such repeal had taken place, and that no suit or proceeding, which shall at the time of the commencement of this Law be depending before any Resident Magistrate, shall abate or be discontinued, or be in any wise prejudiced or affected, but shall be proceeded with, heard, and determined under the provisions of this Law.

Law 1 of 1878
repealed.

2. The Lieutenant-Governor may nominate and appoint such Engineers, Surveyors, and other persons as may be required to prepare, make, and perform such surveys, estimates, and other works as may be necessary to enable the Government to invite tenders for, or to undertake the construction of lines of railway inland from Pietermaritzburg to the Coal Fields of the Colony, and the Borders of the Free State and the Transvaal, and Coastwise from Verulam, northward towards the Tugela, and from Isipingo southward towards the Umzimkulu.

Appointment of
Engineers, Sur-
veyors, and
others to make
surveys, &c., for
certain lines of
Railway.

3. The Lieutenant-Governor is authorised and empowered to pay out of general revenue all salaries and expenses necessarily incurred in and about the preparation, making, and performing of such surveys ; and such expenses shall in the first instance be paid out of general revenue, as an advance to be ultimately repaid out of some future railway loan or loans.

Authorisation of
necessary ex-
penditure.

4. Any Surveyor or other person who shall be so appointed under the provisions of this Law, may, upon giving not less than twenty-four hours' notice to the registered proprietor, if resident within the Colony, or the occupier, enter upon any lands upon which he may deem it necessary to enter for the purposes of surveying and taking levels, and of probing or boring to ascertain the nature of the soil, and to do all acts necessary for the purpose of setting out the line of the works : Provided that any such notice shall not hold good for more than one month ; and provided that compensation be made to the owner or occupier thereof for any damage thereby occasioned, the amount of such compensation to be decided by the Resident Magistrate of the County or Division, whose decision shall be final : due notice of the Magistrate's inquiry into the claim to be previously given to the Surveyor by the complainant ; and upon the day fixed in such notice the Magistrate may determine and decide upon the amount of compensation to be paid in respect of any such damage, and may award the amount of costs incidental to such inquiry, and determine by whom such costs shall be paid. Such compensation, and the costs, if any such should be so awarded against the Colonial Government, shall be a charge upon and be defrayed out of the general revenue of the Colony.

Right of entry
upon lands on
notice given.

How compensa-
tion for any da-
mage occasioned
is to be ascer-
tained.

*Surveys of Railways.—Education.*Commencement
of Law.

5. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed) C. B. H. MITCHELL,

Colonial Secretary.

LAW No. 4, 1880.

(Signed) HENRY BULWER.

To define the meaning of the term "Primary School" wherever used in the Education Acts, of 1877.

Preamble.

WHEREAS there is no accurate definition of the term "Primary School" where it occurs in the Law No. 15 of 1877, entitled a Law "To make better provision for Primary or Elementary Education in the Colony of Natal;" and in the Law No. 16 of 1877, entitled a Law "To provide for the promotion of Higher Education in the Colony of Natal, and for the establishment, maintenance, and direction of High Schools in the Towns of Pietermaritzburg and Durban":

And whereas it is desirable to define the meaning of the said term "Primary School":

Be it therefore enacted, by the Lieutenant-Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:—

Definition of
term "Primary
School."

1. The term "Primary School," wherever it may occur, or be used in the Laws Nos. 15 and 16 of 1877 shall mean, and be taken to mean, a School, or Department of a School, in which Elementary Education is the principal part of the education there given, and in which the course of instruction is that prescribed in Section 18 of Law 15 of 1877.

Definition of
term "Public
Elementary
School."

2. The term "Public Elementary School," wherever it may occur or be used in the Laws Nos. 15 and 16 of 1877 shall mean, and shall be taken to mean, any Primary or Elementary School which, in matters of inspection and religious instruction, complies with the provisions of sub-sections 2 and 7 of the 11th Section of Law No 15 of 1877.

This Law to be
read as one with
Laws 15 and 16
of 1877.
Commencement
of Law.

3. This Law shall be read and construed, together with the Laws Nos. 15 and 16 of 1877, as one Law, and shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed) C. B. H. MITCHELL,

Colonial Secretary.

Administration of Justice.

LAW No. 5, 1880.

(Signed) HENRY BULWER.

To amend Law 10, 1857, entitled Law "For the better Administration of Justice within the Colony of Natal," as regards the Admission of Advocates and Attorneys.

WHEREAS it is expedient to repeal certain provisions of the Law No. 10 of 1857, entitled Law "For the better Administration of Justice within the Colony of Natal," in so far as the same makes provision for the admission of certain persons as Advocates and Attorneys of the Supreme Court, and to make other provision in lieu thereof :—

Preamble.

Be it therefore enacted by the Lieutenant-Governor of the Colony of Natal, by and with the advice of the Legislative Council thereof, as follows :—

1. Sections Sixteen and Eighteen of the Law No. 10 of 1857, entitled Law "For the better Administration of Justice within the Colony of Natal," shall be and the same are hereby repealed.

Sections 16 and 18 of Law. 10, 1857, repealed.

2. The Supreme Court of the Colony of Natal shall, subject to such rules and regulations as shall be made under the provisions of Law 10, 1857, admit and enrol such persons as shall have been admitted as Barristers in England or Ireland, or Advocates in the Court of Session of Scotland, or who have been duly admitted to practise as Barristers and Advocates in the Supreme Court of the Colony of the Cape of Good Hope, to act as Barristers or Advocates in the said Supreme Court.

Who to be admitted as Advocates.

3. The said Supreme Court shall, subject to such rules and regulations as shall be made under the provisions of Law 10, 1857, admit and enrol any person, being an Attorney or Solicitor of any of Her Majesty's Courts of Record at Westminster or Dublin, or being Proctors admitted to practise in any Ecclesiastical Court in England or Ireland, or being Writers to the Signet in Scotland, or being admitted an Attorney of the Supreme Court of the Colony of the Cape of Good Hope, or of the Circuit Courts of the said Colony, to act as Attorneys, in the said Supreme Court of the Colony of Natal.

Who to be admitted as Attorneys.

4. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Capital Punishment.

LAW No. 6, 1880.

(Signed) HENRY BULWER.

To Declare the Practice in regard to the carrying out of Capital Punishment.

WHEREAS it is expedient to declare the practice in regard to the carrying out of Capital Punishments in this Colony :

Be it therefore enacted, by the Lieutenant-Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Law may be cited for all purposes as "The Capital Punishment Law, 1879."

Judgment of death to be executed within walls of prison.

2. Judgment of death to be executed on any prisoner sentenced after the passing of this Law on any indictment, shall be carried into effect by the Sheriff of the Colony of Natal, or his lawful deputy, within the walls of the prison in which the offender is confined at the time of execution.

Sheriff, &c., to be present.

3. The Sheriff charged with the execution, and the Superintendent of the Gaol or Keeper of the Prison, as the case may be, and the District Surgeon, and such other officers of the prison as the Sheriff requires, shall be present at the execution. Any Justice of the Peace, and such relatives of the prisoner or other persons as it seems to the Sheriff, or the Resident Magistrate within whose division the gaol is situated, proper to admit within the prison for the purpose, may also be present at the execution.

District Surgeon to certify death; and declaration to be signed by Sheriff, &c.

4. As soon as may be after judgment of death has been executed on the offender, the District Surgeon shall examine the body of the offender, and shall ascertain the fact of death, and shall sign a certificate thereof and deliver the same to the Sheriff. The Sheriff and the Superintendent of the Gaol, or Keeper of the Prison, as the case may be, and such Justices of the Peace and other persons present, if any, as the Sheriff requires or allows, shall also sign a declaration to the effect that judgment of death has been executed on the offender.

Penalty for signing false certificate, &c.

5. If any person knowingly and wilfully signs any false certificate or declaration required by this Law, he shall be guilty of an offence, and on conviction thereof shall be liable, at the discretion of the Supreme or any Circuit Court, to imprisonment for any term not exceeding two years, with or without hard labour.

Resident Magistrate's inquiry on body.

6. The Resident Magistrate of the division in which the prison wherein judgment of death is executed on any offender is situated shall, within twenty-four hours after the execution, hold an inquiry on the body of the offender, and shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender.

Power to Lieutenant-Governor in Council to make rules, &c., to be observed on execution of judgment of death.

7. The Lieutenant-Governor of Natal in Council shall, from time to time, make such rules and regulations to be observed on the execution of judgment of death in every prison as he may from time to time deem expedient, for the purpose as well of guarding against any abuse in such execution, as also of giving greater solemnity to the

Capital Punishment.

same, and of making known without the prison walls the fact that such execution is taking place. All such rules and regulations shall be laid upon the table of the Legislative Council within six weeks after the making thereof; or, if the Legislative Council be not then sitting, within fourteen days after the next meeting. All such rules and regulations shall forthwith be published in the *Natal Government Gazette*.

Such rules to be laid before the Legislative Council, and published in the *Government Gazette*.

8. A certified copy of the proceedings at the enquiry shall in each case be sent by the Resident Magistrate holding such inquiry, with all convenient speed, to the Colonial Secretary, for the information of the Lieutenant-Governor. The original minutes of the proceedings shall thereafter be forwarded to the Attorney-General, and shall be filed in his office.

Resident Magistrate to send certified copy of proceedings at inquiry to Colonial Secretary. Original minutes of proceedings to be filed in Attorney-General's office.

9. The forms given in the Schedule to this Law, with such variations or additions as circumstances require, shall be used for the respective purposes in that Schedule indicated, and according to the directions therein contained.

Forms in Schedule.

10. The omission to comply with any provision of this Law shall not make the execution of judgment of death illegal in any case where such execution would otherwise have been legal.

Saving clause as to legality of execution.

11. Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this Law had not passed.

General saving.

12. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

SCHEDULE.

CERTIFICATE OF SURGEON.

I, A.B., the District Surgeon for the Division of _____, hereby certify that I this day examined the body of C.D., on whom judgment of death was this day executed in the [describe the prison], and that on that examination I found that the said C.D., was dead.

Dated this _____ day of _____ 18 ____.

DECLARATION OF SHERIFF.

We, the undersigned, hereby declare that judgment of death was this day executed on C.D. in the [describe prison], in our presence.

Dated this, _____ day of _____ 18 ____.

E.F., Sheriff,
G.H., Supt. or Keeper of the Gaol.
J.K.,
L.M., &c. &c.

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,
(Signed) C. B. H. MITCHELL,

Colonial Secretary.

Customs Duties.

LAW No. 7, 1880,

(Signed) HENRY BULWER.

To amend the Laws relating to Customs Duties, so far as to admit free of duty the Uniforms of Officers serving in the Transvaal.

Preamble.

WHEREAS it is expedient to amend the Laws relating to Customs Duties :

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:--

Articles to be admitted free of Customs Duty (except Registration charges) as per schedule.

Law 1, 1867, or other Customs Law, so far as repugnant to this Law, repealed.

Commencement of this Law.

1. From and after the commencement of this Law, the articles in the Schedule to this Law annexed shall be admitted into this Colony free of Customs Duty, except registration charges, as set forth in Schedule C of Law No. 1, 1867.

2. The provisions of Law No. 1, 1867, or of any other Customs Law in force in this Colony, in so far as they are repugnant to or inconsistent with any of the provisions of this Law, shall be and the same are hereby repealed.

3. This Law shall commence and take effect from and after the publication thereof in the *Natal Government Gazette*.

SCHEDULE.

Uniforms imported by and for the use of any Officers of Her Majesty's Civil or Military Service, serving on full pay in the Transvaal Territory.

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 8, 1880.

(Signed) HENRY BULWER.

To amend the Law No. 16, 1877, so far as regards the election to Bursaries in the High Schools of Pietermaritzburg and Durban.

Repealed by Law 20, 1881.

LAW No. 9, 1880.

(Signed) HENRY BULWER.

For making Further Provision for the Service of the Year 1878.

Estimates.—Firearms and Ammunition.

LAW No. 10, 1880.

(Signed) HENRY BULWER.

For making Further Provision for the Service of the Year 1879.

LAW No. 11, 1880.

(Signed) HENRY BULWER.

For providing a Sum not exceeding £470,315 18s. 10d. for the public Service of the Colony during the Year 1880.

LAW No. 12, 1880.

(Signed) HENRY BULWER.

To alter and amend Law No. 6, 1876, entitled Law "To make provision for the appointment of a Controller of Arms and Ammunition, and to amend the Laws relating to Firearms and Ammunition accordingly."

WHEREAS it is expedient to alter and amend Law No. 6, 1876, entitled Law "To make provision for the appointment of a Controller of Arms and Ammunition, and to amend the Laws relating to Firearms and Ammunition accordingly"; and whereas it is expedient that two members of the Board appointed under the provisions of Section 2, of the said Law No. 6, 1876, should form a quorum :

Preamble.

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Two members of the Board constituted and appointed under the provisions of Section 2 of Law No. 6, 1876, entitled Law "To make provision for the appointment of a Controller of Arms and Ammunition, and to amend the Laws relating to Firearms and Ammunition accordingly," shall form a quorum, and shall be competent to perform all matters and things which may be done by the said Board, under the provisions of the said Law No. 6, 1876.

Two members of Board appointed under Section 2 of Law 6, 1876, to form a quorum.

2. This Law and Law No. 6, 1876, entitled Law "To make provision for the appointment of a Controller of Arms and Ammunition, and to amend the Laws relating to Firearms and Ammunition accordingly," shall be read together and construed as one Law.

Construction of Law.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Indian Immigration.

LAW No. 13, 1880.

(Signed) HENRY BULWER.

To amend and extend the provisions of Law No. 8, 1868, entitled Law "For regulating the capture of Fish within the Bay or Harbour of Port Natal."

Repealed by Law 21, 1884.

LAW No. 14, 1880.

(Signed) HENRY BULWER.

To confer certain powers with respect to the Management and Working of the Natal Government Railways, and to the Rates and Fares chargeable thereon.

Expired on the expiration of Law No. 1, 1879.

LAW No. 15, 1880.

(Signed) HENRY BULWER.

To alter and amend Law No. 20, 1874, entitled Law "To repeal Law No. 14, 1871, entitled Law 'To repeal Law No. 16, 1864, and to amend Law No. 2, 1870, and to create an Indian Immigration Trust Board to administer, for the purposes of Immigration, all funds which may be received by the said Trust Board.'"

Preamble.

WHEREAS about two-thirds of the funds administered by the Indian Immigration Trust Board of Natal, incorporated by Letters Patent, dated 22nd January, 1874, granted by the Lieutenant-Governor of Natal, under and by virtue of the provisions of the said Law No. 20, 1874, are contributed by the employers of Indian Immigrants, and it is expedient that additional members should be added to the said Trust Board, to represent the interests of such employers of Indian Immigrants :

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Law 20, 1874,
altered.

1. The said Law No. 20, 1874, is hereby altered and amended, so far as may be requisite to give effect to the provisions of this Law.

Id. Sec. 2 re-
pealed, and this
Section substi-
tuted therefor.

2. Section 2 of "The Indian Immigration Trust Board Law, 1874," is hereby repealed, and there shall be substituted therefor the following clause :—"It shall be lawful for the Lieutenant-Governor in Council, by Letters Patent, to be by him for that purpose issued under the Public Seal of the Colony, to incorporate a Board by the name of 'The Indian Immigration Trust Board of Natal,' to consist of the Protector of Indian Immigrants and four other persons, not more than two of whom shall be officers under

Indian Immigration.—Impounding of Cattle.

the Government of Natal, the members of such Board to be appointed by the Lieutenant-Governor of Natal, with power to him from time to time to remove any Member and appoint as aforesaid persons to fill any vacancies which may occur on such Board; three of the Members of the said Board to form a quorum. The four Members appointed under the provisions of this section, exclusive of the Protector of Immigrants, shall from time to time, during the continuance of their appointments, go out of office, in the manner following, that is to say:—The first outgoing Member shall retire on the last Wednesday in the month of April in the year 1881, and one of the others on the last Wednesday in April in each succeeding year; all such retirements shall take place in the order in which the names shall stand on the list of Members: Provided that all Members shall remain in office until their successors shall have been appointed, and that each Member on retirement shall be eligible for re-appointment."

3. The said Indian Immigration Trust Board shall advise, assist, and co-operate with the Protector of Immigrants in all matters connected with Indian Immigration.

Duties of Board.

4. From and after the promulgation of this Law, all property, funds, moneys, and other effects belonging to the Indian Immigration Trust Board of Natal, incorporated under "The Indian Immigration Trust Board Law, 1874," shall vest in the Board hereby constituted; and all appointments, rules, regulations, and orders heretofore made shall continue in force, and shall be deemed to be appointments, rules, regulations, and orders made by the Board hereby constituted, until revoked, altered, or amended.

Funds to be vested in Board.

5. This Law may be cited for all purposes as "The Indian Immigration Trust Board Amendment Law, 1880," and shall be construed along with the said Law No. 20, 1874, as one Law.

Short title.

Construction of Law.

6. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 16, 1880.

(Signed) HENRY BULWER.

To amend and extend the provisions of Law No 25, 1874, entitled "Law to amend the Law relating to the Impounding of Cattle," as regards the straying of Wild Cattle, and in other respects.

WHEREAS it is expedient to amend and extend the provisions of the Law No. 25, 1874, entitled, "Law to amend the Law relating to the Impounding of Cattle":

Preamble.

Impounding of Cattle.

Be it therefore enacted by the Lieutenant-Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Occupier of land whereon are found running strange cattle too wild to be driven to the Pound, to send description of cattle and statement to nearest accessible Pound-keeper.

1. The legal occupier of any land, or any person in the employ of or instructed thereto by the said occupier, whereon are found running strange cattle too wild to be driven to the Pound, shall be bound, within one week after ascertaining that such cattle are running upon the said land, to send or make to the nearest accessible Pound-keeper a verbal or written description of the said cattle, together with a verbal or written statement to the effect that the cattle so running are too wild to be driven to the Pound.

Penalty.

2. Any person who shall neglect to send or make such description and statement within the period herein specified shall be subject to the penalty provided in Section 42 of the Law 25, 1874.

Pound-keeper to enter description of said cattle in a book, as per Schedule.

3. It shall be the duty of the Pound-keeper, on receipt of the description of the said cattle, to enter the same in a book, according to a form as per Schedule A attached to this Law, and in case of a verbal description, the entry shall be made in the presence of, and read over and explained to, the informant by the Pound-keeper.

Descriptive list, as per Schedule, of cattle so received to be sent to the Colonial Secretary to be advertised.

4. On the first and fifteenth days, respectively, of each month, the Pound-keeper shall transmit a descriptive list, as near as may be according to the form as per Schedule B attached to this Law, to the Colonial Secretary, who shall cause the same to be advertised in the manner provided in Section 34 of the Law 25, 1874.

Unclaimed cattle to be sold by Pound-keeper.

5. All cattle so advertised (unless previously claimed) shall be sold by the Pound-keeper on the day appointed, as far as possible in accordance with the provisions of Sections 35 and 36 of the Law 25, 1874 : Provided that neither the Government nor the Pound-keeper shall be responsible for the delivery to the purchaser of the animal or animals thus sold.

Proviso.

Fees and other charges to be paid out of proceeds of sales.

6. From the proceeds of such sale the Pound-keeper shall, if required, pay to the informant mileage and trespass fees, after the rate set forth in Sections Nos. 10 and 12, and damages which may be claimed in accordance with Section 26 of the Law No. 25, 1874 ; and he shall be entitled to charge for making the necessary entry, and for his trouble in selling such animal or animals, fees as follows :—

Fees to be charged by the Pound-keeper.

			s.	d.
For every Horse, Mule, or Ass	...	...	2	6
For every head of Cattle	...	...	2	0
For every head of Sheep or Goats	...	...	1	0
And the residue shall be paid over in the manner provided in Section 37 of Law No. 25, 1874.				

Disposal of residue.

Pound-keeper to give certificate to purchaser, who may remove animals described in such certificate.

7. The Pound-keeper shall give to the purchaser of such animal or animals a certificate setting forth a detailed description of such animal or animals, the date on which it or they were sold, the price realised, and the name and residence of the said purchaser in full, together with the name and situation of the farm on which the said animal or animals have been running, and by whom the information has been given ; and the person named in the said certificate, or any person deputed by him, may enter on the said farm, and remove therefrom the animal or animals described in such certificate.

8. After any such cattle shall have been advertised as already set forth in this Law, no person shall remove any such cattle from the farm on which they may be running, until he has first paid any and all fees and other charges incurred with reference thereto.

**Cattle advertised
not to be re-
moved until pay-
ment of all fees
and charges.**

None but wild
cattle affected by
this Law.

Strange cattle, other than wild cattle, to be sent to the Pound by occupier of land within one week after ascertaining that such cattle are running on said land.

Selling strange cattle otherwise than under provisions of this Law, or Law 26, 1874, liable to prosecution.

Section 3, Law
25, 1874, to be
construed as
part of this Law.
Commencement
of Law.

13. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

SCHEDULES.

[A.]

(Form of Pound-keeper's Book).

[illegible]

Impounding of Cattle.—Clothing of all Persons.

[B.]

(Form of Advertisement in *Government Gazette*.)

Running on the Farm [here state name and locality of farm] and reported to be too wild to be driven to the Pound, the following cattle :—[here state the number and kind of cattle, and where and how branded, and the particular sex, colour, and descriptive marks of each.]

If not claimed and expenses paid, will be sold at this Pound on [here state date of intended sale].

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed)

C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 17, 1880.

(Signed) HENRY BULWER.

To enforce the Clothing of all Persons appearing in certain Public Places.

Preamble.

WHEREAS it is expedient and advisable that all persons appearing in certain Public Places, as hereinafter defined, shall be decently clothed :

Be it therefore enacted by the Lieutenant-Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

No person to appear in certain public places unless decently clothed.

1. No person shall appear in any of the following Villages or Towns, viz. :—Newcastle, Dundee, Ladysmith, Colenso, Weenen, Estcourt, Weston, Howick, Richmond, Ixopo, Harding, Umzinto, Isipingo, Pinetown, Verulam, Victoria, Williamstown, Stanger, Blackburn, Greytown, York, New Hanover, Hermansburg, or Edendale ; or in any other Township, Village, or other place which shall be declared by the Lieutenant-Governor by a Proclamation to come under the operation of this Law, or at any seat of Magistracy, or in or within fifty yards of any Roadside Inn, without being clothed with some garment or garments, extending from the neck to the knee : Provided that if any doubt shall exist as to the limits or boundaries of the villages or towns above-mentioned, such a definition shall be supplied and published by the Resident Magistrate of the District.

Power to Resident Magistrate, &c., to arrest persons found contravening this Law.

2. It shall be lawful for any Resident Magistrate, Justice of the Peace, Field-Cornet, Police Officer or Constable, with or without a warrant, to arrest any person or persons, found contravening this Law, and to send and lodge any person or persons so arrested to and in the nearest Prison or Lock-up, for trial before the Resident Magistrate of the Division or County in which such offence was committed.

Clothing of all Persons.—Durban Borough Tolls.

3. Every Resident Magistrate shall, on any verbal or written complaint, compel the attendance before him of any person or persons so complained of ; and shall, as soon as may be, hear and determine any such complaint, without being required to issue any plaint or summons.

Power to Resident Magistrate to compel attendance of persons complained of.

4. All complaints under this Law shall be heard and determined, in a summary manner, by the Resident Magistrate of the County or Division wherein the offence was committed.

Offences ; how tried.

5. Any person or persons found guilty of contravening this Law shall be liable to a fine not less than Two Shillings and Sixpence, and not exceeding One Pound sterling, or in default of payment thereof, to imprisonment not exceeding Three Days.

Punishment.

6. Nothing in this Law contained shall be deemed to apply to any person who may be temporarily unclothed in consequence of having to cross, or having just crossed, any stream or river, or to any person entering the Colony and passing along the Roads for the purpose of seeking service.

Exceptions from operations of this Law.

7. This Law shall commence and take effect at the expiration of Six Months after the promulgation thereof in the *Natal Government Gazette*.

Commencement of this Law.

Given at Government House, Natal, this 20th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 18, 1880.

(Signed) HENRY BULWER.

To authorise and empower the Mayor and Councillors of the Borough of Durban, hereinafter called the "Town Council," to borrow Twenty-five Thousand Pounds, to be spent in repairing the Main Road from the Berea Toll to the Point, and in hardening the Roads to Umgeni and Umbilo, and in the erection and construction of toll-bars or toll-houses, to levy tolls within the Borough of Durban, to issue licenses to persons resident or carrying on the business of carriers within the Borough of Durban, and to charge for such licenses, and to charge the moneys received from such tolls and licenses with the said sum of Twenty-five Thousand Pounds and interest.

WHEREAS, by Section 127 of Law 19 of 1872, it is enacted that Main Trunk Roads running through the Boroughs of Pietermaritzburg and Durban, except as to the portion thereof commonly known and described as the streets of the Borough, shall as from the first day of January, 1873, be made and maintained by and be under the management and control of the Colonial Government :

Preamble.

Vide Laws 7, 1887, and 29, 1888.

Durban Borough Tolls.

And whereas the Colonial Government do not admit their liability to make or repair the Roads from the Town of Durban to the Umbilo, the Umgeni, or the Point :

And whereas the Town Council of Durban are willing at the expense of the Borough to harden and improve the said roads and the Road from Durban to the Borough Boundary near the site of the present Toll-gate, and to take the management and control thereof, if allowed to charge for tolls and licenses, and if authorised to borrow the sum necessary therefor :

And whereas it is expedient to assist the Mayor and Councillors of the Borough of Durban to improve, repair, and maintain in repair, these Roads on terms aforesaid, and for that purpose to authorise the Town Council of the Borough of Durban to borrow the sum of £25,000 to be expended for the purpose aforesaid, and in order to provide for the repayment of the same and the interest payable thereon, and the necessary expenses in carrying out this Law, to authorise and empower the said Town Council to levy tolls on vehicles and carriages using or passing over the said roads, and to issue annually licenses to persons carrying on the business of carriers within the limits of the Borough of Durban, and to charge for the same and to issue licenses annually to persons resident within the Borough keeping carriages and other vehicles, and using the same in the said Borough :

Be it therefore enacted by the Lieutenant-Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

Law 18, 1872, repealed.

1. That the Law 18, of 1872 ("The Berea Toll Law of 1872"), shall be, and the same is hereby repealed.

Section 127. Law 19, 1872, partly repealed.

2. So much of the Clause 127, of Law 19, 1872, as is applicable to the Borough of Durban, and is affected by this Law, shall be, and the same is hereby repealed.

Town Council empowered to borrow sums not exceeding £25,000 for repairs of roads, &c

3. The Town Council of the Borough of Durban are hereby authorised to borrow, from time to time, sums not exceeding £25,000 sterling, for the purpose of repairing, from time to time, hardening, and improving the said Roads, and for the erecting and construction of toll-houses and toll-bars.

Town Council empowered to issue "Durban Toll Debentures" up to £25,000,

4. The Town Council of the Borough of Durban shall have full power and authority to issue, under the conditions hereinafter stated, in Great Britain, or elsewhere, debentures to be called "Durban Toll Debentures," representing a sum not exceeding £25,000.

Value of debentures how to be paid off, and rate of interest.

5. Each debenture shall be for a sum not less than One Hundred Pounds, to be paid off at par as soon as may be from moneys received under this Law, but not later than the expiration of 20 years from the date of the promulgation thereof, and shall bear interest at the rate of not more than six per cent. per annum, payable half-yearly, and shall not be issued at a greater discount than three per cent,

Durban Borough Tolls.

6. All toll debentures issued under and by virtue of this Law, and the principal moneys and interest respectively secured thereby, shall be a preferent charge on, and be payable out of all moneys received under this Law, after payment out of such moneys of the cost of collecting such tolls, which shall not exceed £600 sterling per annum, and after payment of the expense of repairing and maintaining the said roads in good order and condition.

Toll Debentures to be a preferent charge on all moneys received under this Law. Cost of collection not to exceed £600 per annum.

7. The Durban toll debentures and the principal moneys and interest secured thereby shall be a general charge on the rates and revenues of the said Borough of Durban.

Toll Debentures to be a general charge on rates and revenues of Borough.

8. In case the principal or interest payable in terms of a Durban toll debenture shall be in arrear, and unpaid for thirty days after the time appointed for payment thereof respectively, it shall and may be lawful for the Supreme Court of the Colony of Natal to direct a special rate to be levied upon the immovable property situate within the Borough, which is now or may hereafter be liable to be rated for Municipal purposes, to the intent that the default by the said Town Council, as regards the principal or interest of such debentures, may be met and liquidated by such special rate.

Special rates may be directed by the Supreme Court to meet arrears payable on debentures.

9. All and every the sums of money that shall be raised under and by virtue of this Law, shall be applied to and for the purposes mentioned in this Law, and for those alone.

Money raised under this Law to be applied to purposes of this Law only.

10. The said Town Council may, and it is hereby authorised and empowered to, levy tolls according to, but not exceeding, the rates mentioned in the Schedule A hereunto annexed, on the Berea Road forthwith, and on each of the roads to the Umbilo and Umgeni, as soon as each of the said roads shall be hardened and made fit for traffic.

Town Council empowered to levy tolls.

11. The Town Council shall be, and it is hereby authorised and empowered to erect, establish, and appoint at such place or places of and upon the said roads and streets as many toll-houses, toll-bars, or gates, or side bars as they shall consider requisite, and to demand, levy, and receive thereat the tolls and rates mentioned and set forth in the said Schedule.

Town Council empowered to erect toll-bars.

12. The Town Council shall affix, or cause to be affixed or exhibited in a conspicuous place at the toll-house near every toll-gate, or toll bar, or side bar whereat any toll shall be payable, a table or schedule of the tolls and rates to be taken thereat, plainly and legibly painted or printed in the English and Dutch languages, under a penalty not exceeding Five Pounds (£5) sterling, to be sued for by any person whatsoever in any competent Court for his own use.

Schedule of tolls to be exhibited at every toll-house, etc.

13. A copy of this Law shall be kept at each toll-house, or toll-bar, or side bar at which any toll shall be demanded or taken, and shall be open to the inspection of the public whenever called for or required.

Penalty for default.

Copy of this Law to be kept at toll-house.

14. The Christian and Surname of every toll-collector for the time being shall be painted on a board in black letters on a white ground, or white letters on a black ground, each of the letters of such name to be at least two inches in length and of a proportionate width,

Name of toll collector to be exhibited.

Durban Borough Tolls.

such board to be affixed to or placed within twenty feet of the toll-house, or toll-gate, or side bar where such toll shall be payable, demanded, or taken, at a height of about five feet from the ground, and shall remain there during the whole time that such toll collector shall be on duty; and on change of any toll-collector, the names of the succeeding toll-collector shall in like manner be affixed to or placed within twenty feet of the toll-house, or toll-gate, or side-bar as aforesaid; and if any such toll-collector shall not place and keep the same there during such time as he shall be on duty, or shall demand or take a greater or less toll than he shall hereby be authorised to do, or shall knowingly demand or take toll from any person exempted from payment, and who shall claim exemption, or shall refuse to permit any person to read such board or table of tolls and rates, or shall refuse to tell his or her Christian and Surname to any person who shall demand it after the payment of the toll, or shall give a false name, or shall refuse or neglect to give a ticket denoting the payment of the toll, if demanded, or shall, upon the legal toll being paid or tendered, wilfully obstruct any passenger or person using the said road from passing through any toll-gate or bar, or side bar, or shall neglect or refuse to produce a copy of this Law for the inspection of the public when called upon or required so to do, or shall make use of any scurrilous or abusive language to any passenger or person using the said road, every such toll-collector or person in any respect offending against the provisions of this Section of this Law, shall forfeit and pay a sum not less than Forty Shillings, and not exceeding Five Pounds for every offence, or be liable, in default of payment thereof, to imprisonment, with or without hard labour, for a period not exceeding Three Months.

Penalty on toll collector for illegally demanding toll, obstructing passengers, etc.

Vehicles crossing road exempted.

Penalty for giving or receiving ticket with intent to evade toll.

Penalty for riding on footpath, obstructing or damaging road, etc.

15. No toll shall be demandable or payable for, or in respect of, any wagon or other vehicle, or any animal or animals merely crossing any of the said roads in the direct line of any roads or streets which are now or may hereafter be laid down by the said Town Council.

16. If any person other than the duly-appointed toll-collector shall give, or if any person shall receive from any person other than the said duly-appointed toll-collector or toll-collectors, or shall forge, counterfeit, or alter any ticket directed to be given as aforesaid, with intent to evade payment of the toll payable under or by virtue of this Law, each and every such person shall, for every such offence, forfeit and pay any sum not less than Forty Shillings, and not exceeding Five Pounds.

17. If any person shall ride upon any footpath or causeway made or set apart for the use of foot passengers, or shall ride, lead, or drive any horse, mule, ass, ox, sheep, swine, or other animal, or any bicycle or carriage of any description, or any wheelbarrow, truck, or other vehicle of any description, or any single wheel of any wagon, cart, or carriage whatsoever, apart from such wagon, cart, or other carriage upon any such footpath or causeway, or shall haul or draw, or cause to be hauled or drawn, upon any of the said roads or any part thereof, any timber, stone, or other thing otherwise than upon wheeled carriages, or permit or suffer any timber, stone, or other thing so carried to drag or trail upon any such road to the prejudice

Durban Borough Tolls.

or damage thereof, or shall use, or permit, or suffer to be used, any shoe, chain, drag, break, skid, or other instrument, for the purpose of retarding the descent of any coach, chaise, wagon, carriage, cart, or other vehicle, in such manner as shall wholly prevent the rotating of any of the wheels of any such vehicle, or which shall in any way tend to destroy, injure, or disturb the surface of the roads or any of them, or shall place any timber, packages, or other articles, matters, or things, save as to machinery hereinafter specially provided for, on any coach, chaise, wagon, carriage, cart, or other vehicle, so that the same shall project more than eighteen inches from the side of such coach, chaise, wagon, carriage, cart, or other vehicle, or so as in any way or manner to obstruct and impede the passage of any person or of any other coach, chaise, wagon, carriage, cart, or other vehicle, travelling along the said roads or either of them, or shall leave any coach, chaise, wagon, carriage, cart, or other vehicle, upon either of the said roads without any proper person in the custody or care thereof, or shall drive, or permit, or suffer to be driven, in and upon either of the said roads, any oxen drawing any wagon, or cart, or other vehicle without a leader, or in cases of accident shall leave any coach, chaise, wagon, carriage, cart, or other vehicle, or any packages, articles, matters, or things, being conveyed thereby in or upon either of the said roads, for a longer time than is reasonably necessary to remove the same, or shall, except in cases of accident, put, place, lay, or deposit any timber, stone, packages, or any other articles, matters, or things whatsoever, on either of the said roads, or the footway or causeway adjoining the same, or shall stop at any place or places on the said roads, or either of them, for any unreasonable space or time, for any purpose whatsoever, to the prejudice, annoyance, interruption, or personal danger of any person or persons travelling thereon, or to the obstruction, hindrance, or interruption of any coach, chaise, wagon, carriage, cart, or other vehicle travelling in and upon the said roads, or either of them, each and every person offending, or if he or they be only a servant or servants, or other than the owner, then the owner of every such coach, chaise, wagon, cart, carriage, or other vehicle, horse, ass, mule, ox, sheep, or other animal, shall, in each and every of such cases, forfeit and pay for each and every such offence, any sum not less than Forty Shillings, and not exceeding Five Pounds.

18. Provided always that it shall and may be lawful for any person to place on any wagon, cart, or other vehicle, any boiler, sugar pans, or other extensive machinery, which shall or may project more than eighteen inches from the side of such wagon, cart, or other vehicle, and to convey the same over either of the said roads without being liable to the penalty in the last clause mentioned, provided always that the said Town Council shall be, and they are hereby empowered to impose from time to time such restrictions upon the conveyance of the said above-mentioned articles, as they shall deem necessary for the safety of other vehicles and passengers over the said roads,

Machinery may project beyond vehicle.

Durban Borough Tolle.

Penalty for defacing Schedule of Tolls.

19. If any person or persons shall pull down, remove, deface, or otherwise injure any schedule or table of tolls, or the board whereon the name of the toll-collector shall be painted, written, or set forth, hereby directed to be affixed at the toll-house, toll gate, or side bar, in manner hereinbefore mentioned, or any board to which the same shall be affixed, or shall do any damage or injury to any toll-house, or any matter or thing connected therewith, or to any toll-bar, or gate, or side bar, already or hereafter to be erected by the said Town Council, or shall pull down, damage, injure, or destroy any lamp or lamps, lamp-post, or fencing, put up, erected, or placed in or near the said toll-house, in or upon any of the said roads, or extinguish the light of any such lamp or lamps, or shall in any way mutilate, damage, or destroy the copy of this Law hereinbefore required to be kept and produced at each toll-house, toll-bar, or side-bar, as aforesaid, each and every person wilfully offending in any or either of such cases shall, for each and every such offence, forfeit and pay a sum not less than Five Pounds, and not exceeding Ten Pounds, over and above any damages which may have been sustained thereby.

How Town Council may sue and be sued.

20. In any action or suit which shall be brought for recovery of any penalty or sum of money to become due or payable by virtue of this Law, save as in the 12th section of this Law is excepted, or in any action, suit, or other proceeding whatsoever hereunder, it shall be lawful for the said Town Council to sue and be sued by the style and description of "The Mayor and Councillors of the Borough of Durban," and the penalties may be sued for by the Town Clerk of the said Borough in their behalf, or by any person specially appointed by and on behalf of the Corporation: Provided always that the said Mayor and Councillors shall always be reimbursed and paid out of the Corporation Funds all such costs, charges, and expenses as they shall be put to and become chargeable with, by reason of bringing or defending any such action, suit, or other proceeding as aforesaid, and shall not be personally answerable or liable for the payment of the same or any part thereof, unless such action, suit, or other proceeding as aforesaid shall arise or have arisen in consequence of their own wilful neglect or default.

Mayor and Councillors to be reimbursed expenses, unless suit, etc., has arisen through their own neglect.

Town Council may issue licences to residents, etc.

21. The said Town Council shall be, and they are hereby authorised and empowered to grant and issue Licenses upon such terms as to the said Town Council shall appear proper, to all persons resident, or carrying on business, in the Borough of Durban, who shall, within the limits of the Borough, use or employ vehicles of any kind, drawn by animal power, whether for hire or for private convenience, and to charge for such Licenses for each period of twelve months the several sums mentioned and set forth in Schedule B annexed: Provided that the word "resident" in this clause and in the next succeeding clause shall be construed to mean a person who has had his or her usual place of abode in the Borough of Durban for a period of four months.

Proviso.

Penalty on resident, etc., for breach of condition.

22. Any Person being a Resident, or carrying on a business in the Borough of Durban, who shall, after the expiry of one month from the promulgation of this Law hire out, use, or employ, within

Durban Borough Tolls.

the limits of the Borough, any unlicensed vehicle, his property or under his control, or who shall commit any breach of any condition of the license relating to such vehicle, shall be liable to a penalty not exceeding Five Pounds, to be recoverable, with costs, in the Court of the Resident Magistrate for the District of Durban.

23. In case a person resident in the Borough, or within half-a-mile of the Borough Boundary, may have to pass a toll in order to reach his home, the Town Council may waive, or compound, the tolls or licenses demandable from such person.

Town Council may waive or compound tolls or licences demandable from certain residents, etc.

24. The Town Council, subject to the regulations relating to bye-laws contained in the Law 19 of 1872, shall be, and they are hereby, authorised and empowered to make in terms of said Law all necessary bye-laws for regulating traffic on the roads of the said Borough, and such bye-laws as may be deemed necessary for the collection and management of such tolls, and for the imposition and collection of licenses, and generally, for carrying out the objects of this Law, and to impose such fine, not exceeding Ten Pounds, for the infringement or contravention of any such bye-law.

Town Council may make bye-laws and impose penalties, etc.

25. All penalties imposed by this Law, except the fine or fee mentioned in Clause 12 of this Law, shall be sued for within three calendar months after the same shall have become payable, or after breach of this Law, or the commission of any offence against the same, by summary proceeding before the Resident Magistrate for the District of Durban, notwithstanding the defendant or party against whom any complaint may be made shall reside or have his habitation or dwelling out of the Borough of Durban, any Law to the contrary notwithstanding; and service of any summons issued out of the Court of the said Resident Magistrate, such service being made in accordance with the rules of the said Court, shall be deemed and held to be good service, and the judgment pronounced by the said Resident Magistrate shall be binding and effectual upon the said defendant or party so summoned as aforesaid.

Penalties to be sued for within three months.

To be recovered before Resident Magistrate of Durban.

Provision as to service of process.

26. In case any fine, penalty, or payment, ordered by any such Resident Magistrate to be paid or made according to the provisions of this Law, and according to the intent and meaning of any bye-law made thereunder, shall not be duly paid or made, it shall and may be lawful for the said Resident Magistrate to levy the same by distress and sale of the goods and chattels of the party ordered to pay the same, but if there be no goods on which to make such distress and sale, then it shall and may be lawful for the said Resident Magistrate to commit such offender to the common Gaol of the Borough of Durban, for any period not exceeding one month, unless such fine, penalty, or payment, and costs, be sooner paid or made.

How fines to be levied.

Imprisonment in default.

27. An account of all moneys raised or received under this Law shall be furnished quarterly by the Town Council to the Colonial Secretary.

Quarterly account of moneys received to be transmitted to Government.

28. Whenever the net sums received by the Town Council from or in respect of such tolls, licenses, and otherwise under this Law shall amount to a sum equal to the costs and expenses incurred by

Law to cease when entire expense of making road, interest, &c.,

Durban Borough Tolls.

shall be paid by toll.

Law not to remain in force for more than twenty-one years.

Ticket demandable by person paying toll.

Applications of moneys received under this Law.

Short title.
Commencement of Law.

said Town Council up to such time in the construction, maintenance, and repair of such roads and the interest payable by them in respect thereof, then the tolls and licenses hereby authorised to be demanded, levied, and received hereunder shall thenceforth cease, and this Law thenceforth be and become null and void, anything herein contained to the contrary thereof notwithstanding, and the Lieutenant-Governor is hereby authorised to proclaim the same abolished accordingly: Provided that in no case shall this Law remain in force and effect for a longer period than twenty-one years from the date of its promulgation.

29. A person paying toll at any gate in respect of any vehicle or animal shall be entitled on demand to a ticket freeing such animal or vehicle at any other but not at the same gate for a period of twenty-four hours from the time marked on such ticket.

30. All moneys to be levied and received under the provisions of this Law shall, after deduction of the expenses of collection, making and repair of roads, payment of interest, and all other necessary outgoings, be applied to the purchase and cancellations or payments of Durban Toll Debentures, or may be temporarily invested in good securities in the name of the Mayor of the Borough and of any two Town Councillors nominated year by year by the Town Council for that purpose, as Trustees for the holders of Durban Toll Debentures.

31. This Law may be cited as "The Durban Tolls Law of 1880."

32. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

SCHEDULE A.

	s.	d.
For every coach, chaise, carriage, cart, or other vehicle drawn by six or more horses, mules, or asses, or eight oxen, or upwards	1	6
Ditto if drawn by four horses, mules, or asses, or six oxen ...	1	0
Ditto if drawn by two horses, mules, or asses, or four oxen ...	0	9
Ditto if drawn by one horse, mule, or ass, or one or two oxen	0	6
For every wagon not exceeding 15 feet in length of bedplank, drawn by eight or more horses, mules, asses, or twelve oxen, or upwards	1	6
For every wagon, exceeding 15 feet in length of bedplank, drawn by eight or more horses, mules, or asses, or twelve oxen, or upwards	2	6
For every horse, mule, or ass	0	3
For every head of cattle	0	1
Sheep, goats, or pigs per score, or part of score	0	3
For every steam engine drawn or propelled by other than animal power	10	0
For each cart, truck, or other vehicle attached to the before mentioned engine	2	0

*Durban Borough Tolls.***SCHEDULE B.****VEHICLES USED FOR PURPOSE OF HIRE OR TRADE.**

					£	s.	d.
Omnibus or Tram Car, Yearly License...	...	...	...	...	5	0	0
Trolley do. ...	...	...	...	...	5	0	0
Wagon do. ...	...	...	...	...	5	0	0
Cart do. ...	...	...	...	...	2	10	0
Any other vehicles on two wheels, Yearly License	...	...	...	...	2	10	0
Do. do. four wheels, do. ...	...	...	...	...	4	0	0

VEHICLES USED FOR PRIVATE CONVEYANCE OR OTHERWISE.

Carriages or vehicles, four wheels, Yearly License	...	1	10	0
Do. do. two wheels do. ...	...	1	0	0

SCHEDULE OF EXEMPTIONS.

1. Empty wagons or carts returning through any toll-bar within 24 hours of the time when toll shall have been paid at such toll-bar, in respect of such wagons or carts, shall be free from a second toll.

2. Any empty wagon or cart, in respect of which a toll shall have been paid at any toll-bar, shall be free of toll at the same bar for a period of 24 hours from the time of such payment, even though such wagon or cart shall return loaded.

3. Carriages, wagons, carts, and other vehicles, horses, mules, asses, or oxen belonging to Her Majesty and Her Military Officers, or employed in the service of Her Majesty, under the provisions of the Mutiny Acts in force for the time being, and when conveying any such persons as aforesaid, or their baggage, or returning empty from conveying the same, shall be free from toll.

4. All Volunteers, duly recognized in the Colony, and when on duty, shall be free from toll.

5. Any two-wheeled carts drawn by not more than six horses, oxen, mules, or asses, conveying exclusively vegetables, sugar cane for planting, fruits, milk, butter, cheese, poultry, eggs, and other like garden or dairy produce, for sale in the Borough of Durban, shall be free from toll.

6. All vehicles or animals belonging to the Colonial Government, or employed in the service of the Colonial Government, shall be free from toll.

7. Any vehicle registered in the Town Office as a vehicle substituted for a licensed vehicle shall, during the period of such substitution, be free from the license duty in Schedule B referred to, on payment of a registration fee of 1s., and subject to such reasonable conditions as the Town Council may impose.

Given at Government House, Natal, this 25th day of March, 1880.

By command of His Excellency the Lieutenant-Governor.

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Durban Tramways Company.

LAW No. 19, 1880.

(Signed) HENRY BULWER.

To authorise and empower the Durban Tramways Company, Limited, to construct Tramways along the Berea Road, West Street, the Point Road, and other principal streets of Durban, and to work the same with cars and animal power for the conveyance of passengers and parcels. and to contract with the Town Council of Durban for the use of the Streets and Roads of the Borough.

Preamble.

WHEREAS, the facilities for passenger and parcel traffic in the Borough of Durban are insufficient and unsuitable for public requirements, and the Durban Tramways Company, Limited, are willing to increase and improve the present facilities, and it is expedient to assist the objects of the said Company, and to authorise the construction and working by them of Tramways in Durban :

Be it therefore enacted by the Lieutenant-Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1. This Law may be cited as the "Durban Tramways' Law."

Interpretation of terms.

2. For the purposes of this Law, the terms hereinafter mentioned shall have the meanings hereinafter assigned to them, that is to say :

"The Town Council" shall mean the Town Council of the Borough of Durban.

The term "The Company" shall mean the Durban Tramways Company, Limited.

"Borough" shall mean the Borough of Durban.

Company and Town Council authorised to make contracts.

3. The Company and the Town Council are hereby authorised to make contracts relating to the use by the Company of the Streets of the Borough, subject to the approval of the Lieutenant-Governor in Council.

Company authorised to make and use tramways.

4. The Company (subject to the consent of the Town Council) is hereby authorised to make and use Tramways, upon a safe and reasonable gauge, not exceeding four feet eight-and-a-half inches, and in manner hereinafter described :

Description of first section of tramway.

The first section of the said Tramway shall be from the neighbourhood of the Western Railway crossing in West Street to the neighbourhood of the Railway Terminus at the Point.

In case the Company shall wish to lay a Tramway or Tramways in other parts of the Borough, it shall be lawful for them to do so, having first obtained the consent in writing of the Town Council.

Tramways to be in the middle of the road. Limitation of traffic.

5. Such Tramways shall be constructed and maintained as nearly as may be in the middle of the road.

6. The traffic upon such Tramways shall be confined to passengers and parcels.

Durban Tramways Company.

7. The tolls and charges to be levied by the Company shall not exceed for passengers threepence a mile or fraction of a mile, and for parcels the rates specified in the Schedule to this Law annexed, without the sanction of the Lieutenant Governor in Council,

Tolls and charges to be levied.

8. The provisions of the Lands' Clauses Consolidation Law, No. 16 of 1872, shall be incorporated with this Law, except as to the following provisions :

Law 16. 1872. in incorporated with the Law.

(a) With respect to the purchase and taking of lands otherwise than by agreement.

Exceptions.

(b) With respect to the entry upon lands by the Company.

9. For the purposes of such incorporation, this statute shall be deemed the Special Law contemplated by the Lands' Clauses Law.

This statute to be deemed the special Law contemplated by the Lands' Clauses Law.

10. If the Company do not, within thirty months from the date hereof, complete a Tramway from Durban to the Point, and open it for public traffic, or, if within one year from the date hereof the works are not substantially commenced, or, if the works having been commenced, are suspended without a reason sufficient, in the opinion of the Lieutenant-Governor in Council, to warrant such suspension, then the powers hereby given to the Company for constructing Tramways, executing such works, or otherwise in relation thereto, shall cease to be exercised, unless the time is prolonged by the special direction of the Lieutenant-Governor in Council, and thereupon so much of the said Tramway as is then completed shall be dealt with, at the expense of the Company, in the manner provided in Section 19 of this Law, and as if the Tramway had been opened.

Cesser of powers at expiration of prescribed time.

11. The Tramways hereby authorised shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the road, and shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by an engineer appointed by the Lieutenant-Governor in Council.

Rails of tramways to be level with surface of road.

Certificate required.

12. The Company may from time to time, for the purposes of making, forming, laying down, maintaining, and renewing the proposed Tramways or any part thereof respectively, open and break up any road, subject to the following regulations :—

Power to break up roads.

(a) They shall give to the Town Council notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up ; such notice to be given seven days, at least, before the commencement of the work.

(b) They shall not open or break up or alter the level of any road, except under the superintendence and to the reasonable satisfaction of the Town Council, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work.

Durban Tramways Company.

- (c) They shall pay all reasonable expenses to which the Town Council is put on account of such superintendence.
- (d) They shall not, without the consent of the Town Council, open or break up at any one time a greater length than one hundred yards of any road which does not exceed a quarter of a mile in length, and in the case of any road exceeding a quarter of a mile in length, they shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than one hundred yards.
- (e) Where the carriage-way in or upon which any portion of the Tramway is proposed to be formed or laid down is crossed by any railway or tramway on the level, any work which the Company may be empowered to construct, and which affects, or in anywise interferes with such railway or tramway, or the traffic thereon, shall be constructed and maintained under the superintendence (at the cost of the Company) and to the reasonable satisfaction of the Government, person, Corporation, or Company owning such railway or tramway, unless in the case of the original construction of the tramway, after notice to be given by the Company seven days at least before the commencement of such work, such superintendence is refused or withheld.
- (f) In case any Tramway hereby authorised shall be so laid as not to leave a width of hardened road sufficient for public traffic on either side of the Tramway, then the Town Council may call upon the Company to widen the hardened parts of the road to the satisfaction of the Town Council to a distance not exceeding fifteen feet on either side of the Tramway; and, if the Company shall neglect to comply with such request, then the said Town Council may increase the width of the hardened road up to such distance of fifteen feet, and recover the cost thereof from the Company.

Completion of
works and re-
statement of
road.

13. When the Company have opened or broken up any portion of any road, they shall be under the following further obligations, viz. :—

- (a) They shall, with all convenient speed, and in all cases within four weeks at the most (unless the Town Council otherwise consents in writing), complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the Tramway) fill in the ground and make good the surface, and to the satisfaction of the Town Council restore the portion of the road to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby.

Durban Tramways Company.

- (b) They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night.
- (c) They shall bear or pay all reasonable expenses of the repair of the road for six months after the same is restored, as far as those expenses are increased by the opening or breaking up.

If the Company fail to comply in any respect with the provisions of the present Section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Law, or to any other remedy against them) be liable to a penalty not exceeding Twenty Pounds, and to a further penalty not exceeding Five Pounds for each day during which any such failure continues after the first day on which such penalty is incurred.

14. The Company shall at their own expense at all times maintain and keep in good condition and repair, with such materials and in such manner as the Town Council shall direct, and to their satisfaction, so much of any road whereon any tramway belonging to them is laid as lies between the rails of the tramway, and where two tramways are laid in any road at a distance not more than four feet from each other, the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway. If the Company abandon their undertaking or any part of the same, and take up any tramway or any part of any tramway belonging to them, they shall with all convenient speed, and in all cases within six weeks at the most (unless the Town Council otherwise consent in writing) fill up the ground and make good the surface, and to the satisfaction of the Town Council restore the portion of the road upon which such tramway was laid, to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work. And they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night. Provided always that if the Company fail to comply with the provisions of this section, the Town Council, if they think fit, may themselves at any time after seven days' notice to the Company, open and break up the road, and do the works necessary for the repair and maintenance or restoration of the road to the extent in this section above mentioned, and the expense incurred by the Town Council in so doing shall be repaid to them by the Company.

Repair of part
of road where
tramway is laid.

15. The Town Council, on the one hand, and the Company, on the other hand, may from time to time enter into and carry into effect, and from time to time alter, renew, or vary contracts, agreements, or arrangements with respect to the making and keeping in repair of the whole or any portion of the roadway of any road on which the Company shall lay any Tramway, and the proportion to be paid by either of them of the expense of such making and keeping in repair,

Town Council
and Company
may contract for
repairing roads
on which tram-
ways are laid.

Durban Tramways Company.

Rights of authorities and companies, etc., to open roads.

16. Nothing in this Law shall take away or abridge any power to open or break up any road along or across which any Tramway is laid, or any other power vested in the Town Council, or any other local body or authority, for any of the purposes for which such authority is respectively constituted, or in any company, body, or person for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of such power the Town Council, Company, body, or person shall be subject to the following restrictions, that is to say :—

- (a) They shall cause as little detriment or inconvenience to the Company as circumstances admit.
- (b) Before they commence any work whereby the traffic on the Tramway will be interrupted, they shall (except in cases of emergency, in which cases no notice shall be necessary) give to the Company notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work.
- (c) They shall not be liable to pay to the Company any compensation for injury done to the Tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid.
- (d) Whenever for the purpose of enabling them to execute such work, the Town Council, Company, body or person as aforesaid shall so require, the Company shall either stop traffic on the Tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there : provided that such work shall always be completed by the Town Council, Company, body, or person, with all reasonable expedition.
- (e) Any Company, body, or person shall not execute such work so far as it immediately affects the Tramway, except under the superintendence of the Company, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the progress of the work, and they shall execute such work at their own expense, and to the reasonable satisfaction of the Company : provided that any additional expense imposed upon them by reason of the existence of the Tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such Tramway, shall be borne by the Company.

Difference between Company and Town Council, &c.

17. If any difference arises between the Company on the one hand, and the Town Council, or any gas or water Company, or any Company, body, or person, to whom any sewer, drain, tubes, wires or apparatus for telegraphic or other purposes may belong, or any other

Durban Tramways Company.

Company, on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him, or on their or his behalf, or by the Company by virtue of this Law, in relation to any Tramway or work, or in relation to any work or proceeding of the Town Council, body, Company, or person, or with respect to the propriety or the mode of execution of any work relating to any Tramway, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the Town Council, body, Company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Law, the matter in difference shall (unless otherwise specially provided by this Law), be settled by an Engineer or other fit person nominated as referee by the Lieutenant-Governor in Council on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

18. The Company may use on their Tramways carriages with flange wheels, or wheels suitable only to run on the prescribed rails, and subject to the provisions of this Law, the Company shall have the exclusive use of their Tramways for carriages with flange wheels, or other wheels suitable only to run on the prescribed rails. All carriages used on the Tramway shall be moved by animal power only. No carriage used on the Tramway shall extend beyond the outer edge of the wheels of such carriage more than eleven inches on each side.

Power for Company to use tramways, with flange-wheeled carriages, &c.

19. If at any time after the opening of the said Tramways or any part thereof, the Company discontinues the working of the same for the space of one calendar month (such discontinuation not being occasioned by circumstances beyond the control of the Company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuation is proved to the satisfaction of the Lieutenant-Governor in Council, the said Lieutenant-Governor in Council, if he thinks fit, may by order declare that the powers of the Company in respect of such Tramways, or the part thereof so discontinued, shall from the date of such order be at an end, and thereupon the said powers of the said Company shall cease and determine, unless the same are purchased by the Town Council in the manner by this Law provided. When any such order has been made, the Town Council may, at any time after the expiration of one month from the date of such order, under the authority of a certificate to that effect by the Colonial Secretary, remove the Tramway or part of the Tramway so discontinued, and the Company shall pay to the Town Council the cost of such removal, and of the making good of the road by the Town Council, such cost to be certified by the Clerk for the time being of the Town Council, whose certificates shall be final and conclusive, and if the Company fail to pay the amount so certified within one calendar month after delivery to them of such certificate, or a copy thereof, the Town Council may, without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of

Tramways to be removed in certain cases.

Durban Tramways Company.

the amount), sell and dispose of the materials of the Tramway, or part of Tramway, so removed, either by public auction or private contract, and for such sum or sums, and to such person or persons as the Town Council may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the cost certified as aforesaid, and of the cost of sale, and the balance, if any, of the proceeds of such sale shall, subject to any other lien thereon, be paid over by the Town Council to the Company.

Power of sale.

20. When any Tramway hereby authorised has been opened for traffic for a period of six months, the Company may, with the consent of the Lieutenant-Governor in Council and of the Town Council, sell their undertaking to any person, persons, Corporation, or Company, or with the consent of the Lieutenant-Governor in Council, to the Town Council, and when any such sale has been made, all the rights, powers, authorities, obligations, and liabilities of such Company, under this Law, in respect of the undertaking sold, shall be transferred to, vested in, and may be exercised by, and shall attach to the person, persons, Corporation, or Company, to whom the same shall have been sold, in like manner as if such Tramway was constructed by such person, persons, Corporation, or Company, under the powers hereby conferred, and in reference to the same they shall be deemed to be the Company. Provided that the Town Council shall not make any such purchase, except pursuant to resolution carried by three-fourths of the members at a meeting of the Town Council, specially convened on one month's notice, published in a local newspaper, to consider such purchase.

Tolls, &c.

21. The Company may demand and take in respect of such Tramways, tolls, and charges, not exceeding the sums mentioned in Section 7 of this Law, or in such schedule as the Lieutenant-Governor in Council may hereafter substitute therefor, at the request of the Company, and a list of all tolls and charges authorised to be taken shall be exhibited in a conspicuous place inside and outside each of the carriages used on the Tramway.

Bye-laws by Town Council.

22. The Town Council may make bye-laws as to the following matters:

- (a) The rate of speed to be observed in travelling upon the Tramway.
- (b) The distances at which carriages shall be allowed to follow one after the other.
- (c) The stopping of carriages using the Tramway.
- (d) The traffic on the road on which the Tramway is laid.
- (e) The precautions to be adopted by the Company as regards brake power and warnings.

Company may make certain regulations.

The company may make regulations for preventing the commission of any nuisance in or upon any carriage or in or against any premises belonging to them and for regulating the travelling in or upon any carriage belonging to them: and for better enforcing the observance of all or any of such regulations it shall be lawful for such Town Council and Company, respectively, to make bye-laws for all or any of the aforesaid purposes, and from time to time repeal or alter such

Durban Tramways Company.

bye-laws and make new bye-laws, provided that such bye-laws be not repugnant to the Laws of the Colony, and that when made by the Town Council the enabling law of that authority be duly complied with. Notice of the making by the Company of any bye-law, under the provisions of this Law, shall be published by advertisement inserted once at least in each of two successive weeks in some one and the same newspaper published in Durban, and once at least in the *Government Gazette* of the Colony. A true copy of each bye-law of the Company shall be sent to the Colonial Secretary and the Town Council at least one month before such bye-law shall come into operation, and no such bye-law shall have any force or effect if disallowed by the Lieutenant-Governor in Council within one month after such projected bye-law shall be laid before the Lieutenant-Governor in Council. Bye-laws of the Town Council shall be capable of enforcement in the same way as any other bye-law duly passed by that authority. Any bye-law made by the Company may impose reasonable penalties for offences against the same, not exceeding forty shillings for each offence, with or without further penalties for continuing offences not exceeding for any continuing offence ten shillings for every day during which the offence continues, and such penalties shall be recoverable at the suit of the Company with costs in cases where the contravention is proved.

23. The Town Council shall have the like power of making and enforcing rules and regulations, and of granting licenses with respect to all carriages using the Tramway, and to all drivers and conductors, and other persons having charge of or using the same, and to the standings for the same, as they are or may be for the time being entitled to make, enforce, and grant in respect of vehicles not propelled on a Tramway.

Power to Town Council to license drivers, conductors, &c.

24. If any person wilfully obstructs any person acting under the authority of the Company in the lawful exercise of their powers in setting out or making, forming, laying down, repairing or renewing a Tramway, or defaces or destroys any mark made for the purpose of setting out the line of the Tramway, or damages or destroys any property of the Company, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Penalty for obstruction of Company in laying out tramway.

25. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely:— Interferes with, removes, or alters any part of a Tramway, or of the works connected therewith, places or throws any stones, dirt, wood, refuse, or other material on any part of a Tramway, does, or causes to be done, anything in such manner as to obstruct any carriage using a Tramway, or to endanger the lives of persons therein or thereon, or knowingly aids or assists in the doing of any such thing, he shall for every such offence be liable (in addition to any proceedings by the way of indictment or otherwise to which he may be subject) to a penalty not exceeding Five Pounds.

Penalties for willful injury or obstruction to tramways, &c.

26. If any person travelling or having travelled in any carriage on any Tramway avoids or attempts to avoid payment of his fare, or any person having paid his fare for a certain distance knowingly

Penalties on passengers practising frauds on Company.

Durban Tramways Company.

and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every person shall for every such offence be liable to a penalty not exceeding Forty Shillings.

Transient offenders.

27. It shall be lawful for any officer or servant of the Company, and all persons called by him to his assistance, to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the next preceding section is mentioned, and whose name or residence is unknown to such officer or servant, until such person can be conveniently taken before a Magistrate, or until he be otherwise discharged in due course of Law.

Penalty for bringing dangerous goods on the tramway.

28. No person shall be entitled to carry or to require to be carried on any Tramway any goods which may be of a dangerous nature; and if any person send by any Tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the Book-keeper or other servant of the Company with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding Twenty Pounds for every such offence; and it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for persons using tramways with carriages with flange wheels, &c.

29. If any person use the Tramway, or any part thereof, with carriages having flange wheels or other wheels suitable only to run on the rails of such Tramway, such person shall, for every such offence, be liable to a penalty not exceeding Twenty Pounds.

Company responsible for all damages.

30. The Company shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of any of their works or carriages, and shall save harmless all road and other authorities, companies, or bodies, collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

Recovery of tolls, penalties, &c.

31. All tolls, penalties, and charges under this Law, or under any Bye-law made in pursuance of this Law, may be proceeded for in the case of the Town Council in the same manner as is applicable to contraventions of ordinary Municipal Bye-laws, and in the case of the Company by suit in the Magistrate's Court, at the instance of the Company.

Right of user only.

32. Notwithstanding anything in this Law contained, the Company shall not acquire, or be deemed to acquire any right other than that of user of any road along or across which they lay any Tramway, nor shall anything contained in this Law exempt them from the payment of tolls levied on vehicles using any turnpike road over which the Company's Tramway may be laid.

Durban Tramways Company.

33. Nothing in this Law shall take away or affect any power which the Town Council, or the owner, commissioners, undertakers, or lessees of any railway or tramway may have by Law to widen, alter, divert, or improve any road, railway or tramway.

Reserving powers of Town Council, &c., to widen, &c., roads

34. Nothing in this Law shall limit the powers of the Town Council or Police in any district to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such authority or Police may exercise their authority as well on as off the Tramway, and with respect as well to the traffic of the Company as to the traffic of other persons.

Power for Town Council or police to regulate traffic in roads.

35. Nothing in this Law, or in any Bye-law made under this Law, shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the Tramway, with carriages not having flange wheels, or wheels suitable only to run on the rails of the Tramway.

Reservation of right of public to use roads.

36. This law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

SCHEDULE.

(a) Any one parcel not exceeding 14lbs. in weight, carried by any passenger, shall be free of charge.

(b) On all other parcels not exceeding 14 lbs in weight, the Company shall be entitled to charge sixpence for each parcel.

(c) Provided that the Company shall not be competent or compellable to carry, for hire, any parcel of greater weight than 14 lbs.

Given at Government House, Natal, this 25th day of March, 1880.

By command of His Excellency the Lieutenant- Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 20, 1880.

(Signed) HENRY BULWER.

To provide for the custody of certain Prisoners.

WHEREAS it is desirable to provide for the safe custody of certain Prisoners in the Colony of Natal who may be detained therein, or who may be conveyed, under and by virtue of any warrant or order, through the Colony of Natal ;

Preamble.

Custody of Prisoners.

Be it therefore enacted by the Lieutenant-Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Police constable, &c., may detain and convey through the Colony any convict, prisoner of war, &c., handed over to him by Civil Authorities of any British territory for detention in, or conveyance through Natal.

Provido,

1. It shall and may be lawful for any Police Constable or other Officer or person to detain in custody and convey through any part of the Colony of Natal any person or persons convicted of any crime, or being deported to some British possession out of Natal with the object of being brought to trial, or being prisoners of war, or otherwise legally deported, who may have been handed over to him by the Civil Authorities of any Territory forming a part of the British dominions, for detention, in custody, for imprisonment in Natal, or for conveyance through the Colony of Natal to some other Colony or place : Provided that the warrant or order authorising and directing the detention in custody in and conveyance through this Colony of any such person or persons shall be signed or countersigned by the Officer Administering the Government of any such Territory or District in which the person or persons aforesaid shall have been handed over, as aforesaid, for detention or imprisonment in, or conveyance through, Natal.

Resident Magistrates, Justices of the Peace, &c., to aid and assist Police Constables, as in preceding Section mentioned.

Gaolers to receive and detain prisoners.

2. It shall be the duty of all Resident Magistrates, Justices of the Peace, Police Constables and Officers, and all other Her Majesty's subjects to be aiding and assisting any such Police Constable, or other Officer or person, as is in the preceding section mentioned, in all matters connected with the detention in safe custody, the imprisonment in and the conveyance through the Colony of Natal, or any part thereof, of any such person or persons as may be Prisoner or Prisoners within the meaning and intent of the preceding section ; and all Superintendents and Keepers of Gaols throughout the Colony of Natal are required and hereby directed to receive into their gaols and to detain therein any such person or persons as aforesaid, as if the warrant for his or their detention therein were issued or countersigned by the Chief Justice, or one of the Puisne Judges, of the Supreme Court of this Colony, or by any Resident Magistrate or Justice of the Peace, residing and being within the said Colony of Natal.

Colonial Courts not competent to enquire into circumstances under which any such persons or persons are detained in, or conveyed through, the Colony.

3. It shall not be lawful for the Supreme Court of the Colony of Natal, nor any Circuit Court thereof, nor any Judge thereof, nor for any Resident Magistrate nor Justice of the Peace within the said Colony, to inquire into the circumstances under which any such person or persons, while being conveyed in charge of such Police Constable, or other officer or person as aforesaid, is or are detained in this Colony in custody, or has or have been apprehended, or is or are being detained in custody in, or conveyed through, the Colony ; nor to grant or issue any order in connection therewith or in relation thereto, or to institute any preparatory examinations in relation to any matter or charge in reference to such person or persons so detained as aforesaid, or to inquire into the sufficiency, or otherwise, of the warrant, order, or authority under which such person or persons is or are being conveyed through the Colony, or detained in custody therein.

Custody of Prisoners.

4. From and after the arrival in this Colony of any such person or persons detained in custody under any warrant or order signed or countersigned as in the first section mentioned, by the Officer Administering the Government of any such Territory or District, such person or persons shall and may respectively be imprisoned and detained for any period not exceeding one month, unless further detained by unavoidable circumstances, and may be treated in every respect and shall be deemed and taken to be within this Colony in precisely the same plight and condition as Prisoners confined or imprisoned in respect of some crime or offence alleged to have been committed within the jurisdiction of the Colonial Courts.

Period during which such person or persons may be detained in the Colony.

5. All expenses incurred by the Colonial Government of Natal in and about the detention or conveyance of any Prisoner under this Law shall be defrayed by the Government of the Territory or District forwarding any such prisoner.

Government of territory or district forwarding any prisoner under this Law to defray expenses incurred.

6 This Law shall commence and take effect from and after the publication thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 25th day of March, 1880.

By command of His Excellency the Lieutenant-Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 21, 1880.

(Signed) GEORGE POMEROY-COLLEY.

To continue the Law No. 12, 1875, entitled a Law "To enable certain Wharfage Dues to be levied at the Harbour of Port Natal."

Expired on 17th December, 1881. *Vide* Law 3, 1881.

LAW No. 22, 1880.

(Signed) GEORGE POMEROY-COLLEY,

To amend the Law No. 15, 1872, entitled a Law "For the Better Regulating of the Volunteer Force in the Colony of Natal."

Repealed by Law 27, 1885.

Alteration of Public Outspan, Pietermaritzburg.

LAW No. 23, 1880.

(Signed) GEORGE POMEROY-COLLEY.

Preamble.

To authorise and empower the Town Council of the City and Borough of Pietermaritzburg to dispose of, by Public Auction, a certain portion of Public Outspan No. 3, in the said Borough, and to substitute a certain other portion of the Town Lands of the said City as a Public Outspan in place thereof.

WHEREAS by Deed of Transfer bearing date the 20th day of February, 1879, a certain portion of the Town Lands of the said Borough, near to the Railway Station, in extent 188 acres 1 rood and 9 perches, and numbered "3" on the general plan of the said City, has been reserved in favour of the Mayor and Councillors of the said City and Borough and to their successors in office, in trust inalienable as an outspan or grazing ground for the use of travellers and Burgesses of the said City :

And whereas the Mayor and Councillors of the said City and Borough are desirous of disposing of, by public auction, a certain portion of the said Outspan in extent 15 acres 2 roods and 33 perches, and of substituting as a Public Outspan in lieu thereof a certain portion of the Town Lands situate and being to the North-west of the said Outspan No. 3, and being in extent 31 acres 1 rood and 26 perches :

And whereas plans of the existing Outspan and of the proposed substituted Outspan have been deposited in the office of the Clerk of the Legislative Council, setting forth the whole of the lands affected by the passing of this Law :

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

Council empowered to dispose of certain portion of Outspan No. 3,

1. It shall and may be lawful for the said Mayor and Councillors with the consent, in writing, of the Governor, to dispose of, in one or more lot or lots, by public auction a certain portion of the before-mentioned Outspan No. 3 adjoining the Railway Station, containing 15 acres 2 roods and 33 perches, and bounded North-west by the remainder of the said Outspan, North-east by a street, South-west by the soldiers' gardens and the said Outspan, and otherwise by the Town Watercourse, and to transfer the said portion of the said Outspan No. 3 in Freehold to the purchaser or purchasers thereof.

and to substitute therefor a piece of land adjacent thereto, for use as a public outspan.

2. In lieu of the said portion of the said Outspan No. 3 as above described, there shall, prior to such sale, be substituted and transferred a certain portion of the said Town Lands of the City of Pietermaritzburg in extent 31 acres 1 rood and 26 perches, to the North-west of and adjoining the said Outspan No. 3, to be used and appropriated in perpetuity as a Public Outspan.

Alteration of Outspan.—Pension to Walter MacFarlane.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement
of Law.

Given at Government House, Natal, this 30th day of December, 1880.

By command of His Excellency the Governor,

C. B. H. MITCHELL,
Colonial Secretary.

LAW, No. 24, 1880.

(Signed) GEORGE POMEROY-COLLEY.

To secure a certain allowance or annual Pension to Walter MacFarlane, Esquire, late Speaker of the Legislative Council of Natal.

WHEREAS it is necessary that a Law should be passed making provision for Walter MacFarlane, Esquire, in recognition of his long and meritorious services in the office of Speaker of the Legislative Council of Natal, upon his retirement from the said office :

Preamble.

Be it therefore enacted by the Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Governor of this Colony, is hereby authorised and required to pay, or cause to be paid, from and out of the General Revenue of this Colony, to the said Walter MacFarlane, Esquire, from the Twentieth day of October, 1880, and during the remainder of his natural life, a Pension at the rate of Three Hundred Pounds sterling per annum, payable monthly : Provided that such Pension shall not be commutable at any time by the said Walter MacFarlane, Esquire.

Payment of
pension to Walter
MacFarlane, Esq.
authorized.

2. In case the said Walter MacFarlane, Esquire, shall hereafter be appointed to fill any office in any public department, the Pension secured to him under this Law shall cease to be paid during the tenure of such office, if the annual amount of the salary or emoluments of the office to which he shall be appointed shall be equal to or exceed the sum of Four Hundred Pounds sterling ; and in case they shall not be equal to the sum of Four Hundred Pounds sterling, then no more of his Pension shall be paid to him than what with the salary of his new appointment will be equal to the said annual amount of Four Hundred Pounds sterling.

Pension not
commutable.

Provision in case
of Pensioner's
appointment to
public office.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement
of Law.

Given at Government House, Natal, this 30th day of December, 1880.

By command of His Excellency the Governor,

C. B. H. MITCHELL,
Colonial Secretary.

Probate of Wills.

LAW No. 25, 1880.

(Signed) GEORGE POMEROY-COLLEY.

*To provide for the management and working of the Natal Government Railways.*Expired on 31st December, 1882. *Vide* Law 9, 1882.

LAW No. 26, 1880.

(Signed) GEORGE POMEROY-COLLEY.

To amend the Laws relating to the Registration and Probate of Wills in the Colony of Natal.

Preamble.

WHEREAS it is expedient to amend certain portions of the Law No. 5, 1868, entitled Law "To provide for the Registration and Probate of Wills in the Colony of Natal," and Law No. 13, 1869, entitled Law "To amend and explain the provisions of Law 5, 1868, entitled Law 'To provide for the Registration and Probate of Wills in the Colony of Natal'":

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Will in foreign language submitted to Registrar of Deeds to be accompanied by translation in English and copy of such Will.

Registrar of Deeds to issue copy and translation of Will to executor or person proving same.

Copy and translation so issued shall be evidence for purposes of Law.

Copy and translation of Will to be certified by sworn translator.

1. When any Will or Codicil written in a foreign language shall be submitted for proof to the Registrar of Deeds under Law 5, 1868, or transmitted to him with an Order of Court authorising its registry, as in Section 7 of the said Law mentioned, or forwarded to him by any Resident Magistrate, with a Certificate of Probate, as in Section 2 of the said Law provided, there shall accompany the said Will a translation in English of such original Will, and a copy of the said Will, which said translation and copy shall be furnished by the person submitting the said Will for probate, and the Registrar of Deeds shall grant to the Executor, or person proving such Will, a copy of the original Will, together with the translation of the same so deposited as aforesaid.

2. Such copy and translation of the Will, issued by the Registrar of Deeds with a certificate of probate and registry, as in the preceding section of this Law referred to, shall, subject to the exceptions, set forth in Section 9, Law 5, 1868, and Section 4, Law 13, 1869, be evidence for the purposes of Law, to the same extent and in the same manner as is provided in Section 9, Law 5, 1868, in the case of a certified copy of Will.

3. Such copy of the original Will, as well as the translation, when transmitted to the Registrar of Deeds, shall have endorsed thereon a certificate of a duly sworn translator, admitted and enrolled as an interpreter or translator in the Supreme Court of Natal, of the foreign language in which the said original Will may be written, that the said copy and translation are a true copy and translation of the original Will.

Probate of Wills.

4. Any further copy of the original Will, or of the translation of such original Will or Codicil, written in any foreign language granted by the Registrar of Deeds under an Order of the Supreme Court or any Judge thereof, shall be within the provisions of the Law 5, 1868, and of the Law 18, 1869, in like manner as the sworn translation originally granted.

Further copy of Will, or of translation, to be within provisions of Law 5, 1868, and Law 18, 1869, in like manner as sworn translation originally granted.

5. The Registrar of Deeds shall be, and is hereby authorised and required to charge and demand, receive, retain, or recover, in respect of the acts, matters or things done or caused to be done by him or in his office under and by virtue of the provisions of this Law, the same fees as are charged for copies of original Wills under the Law 5, 1868, and Law 18, 1869, and specified in the Schedule thereunto annexed, and shall account for and pay over the same in like manner as is by Law provided in respect of any other fees received or retained by him as Registrar of Deeds.

Registrar of Deeds may demand fees according to Schedules to Law 5, 1868, and Law 18, 1869.

6. This Law shall be in operation from the date of the promulgation thereof in the *Natal Government Gazette*, and shall be construed together with the Law No. 5, 1868, and Law No 18, 1869, and this Law may be cited for all purposes as the "Probate of Wills Amendment Law, 1881."

Commencement of Law.

Short title.

Given at Government House, Natal, this 30th day of December, 1880.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 27, 1880.

(Signed) GEORGE POMEROY-COLLEY.

To repeal and re-enact with certain amendments Law No. 24, 1875, entitled Law "To repeal and re-enact with certain amendments Law No. 9, 1862, entitled Law 'To enable the Lieutenant-Governor of the Colony of Natal to appoint Courts or Tribunals to enquire into charges of incompetency or Misconduct of Masters or Mates of Ships, or to inquire into Shipwrecks or other casualties affecting Ships.'"

Repealed by Law 17, 1881.

LAW No. 28, 1880.

(Signed) GEORGE POMEROY-COLLEY.

To empower the Town Council of the Borough of Pietermaritzburg to raise moneys not exceeding the sum of Fifty Thousand Pounds (£50,000) Sterling.

Repealed by Law 10, 1881.

Harbour.

LAW No. 29, 1880.

(Signed) GEORGE POMEROY-COLLEY.

For the Better Regulation of the Port and Harbour of Natal.

Preamble : *Vide*
Law 9, 1882,
amended by Law
2, 1884, and Law
10, 1889.

WHEREAS it is expedient to make provision for the better regulation of the Port and Harbour of Natal, and for such purpose to repeal the Ordinance 1 of 1851, the Law 17 of 1863, the Law 12 of 1877, and the Law 13 of 1877 :

Be it therefore enacted by the Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Commencement
of Law.

Repeal of Law
17, 1863, and
Law 12, 1877.

Future repeal of
Ordinance 1,
1851, and Rules
passed there-
under.

Future repeal of
Law 13, 1877.

Period for entry
inwards and
landing of goods
reduced to seven
days.

Abolition of
Harbour Board
established
under Law 12,
1877.

Saving in respect
of rules passed
under Law 12,
1877.

Saving in respect
of notices, &c.,
published.

Constitution of
Natal Harbour
Board.

Incorporation,

Commissioners
to be appointed
by Governor,

1. This Law shall commence and take effect on the 1st day of May, 1881, and as on that date the said Laws 17 of 1863 and 13 of 1877 shall be and the same are hereby repealed.

2. The said Ordinance 1 of 1851, and all Regulations passed thereunder, shall be deemed to be and shall be repealed so soon as the Governor of Natal in Council shall give assent to a code of Pilot Regulations and Harbour Regulations framed in terms of this Law.

3. The said Law 12 of 1877 shall be deemed to be and shall be repealed as soon as the Governor of Natal in Council shall give assent to a code of Police Regulations framed in terms of this Law.

4. The time of fourteen days allowed by Section 37 of Ordinance No. 6 of 1855 for the entry inwards and landing of goods shall be, and the same is hereby reduced to seven days, and may be further reduced by Proclamation of the Governor, on the recommendation of the Natal Harbour Board, to a period of 48 hours so soon as certain shed accommodation proposed to be provided at the Point shall be completed.

5. The Harbour Board of Natal, constituted under Law 13 of 1877, shall cease to exist on the 30th day of April, 1881 ; and all the records, books, papers, documents, and writings thereof shall be transferred to the Natal Harbour Board hereby constituted.

6. All by-laws, rules, and regulations duly passed in terms of Law 13 of 1877, shall be as valid as if passed under the provisions of this Law.

7. All notices given and advertisements published relating to by-laws, rules, and regulations intended to be passed by the Harbour Board of Natal shall be construed as good notices and advertisements under this Law.

8. There shall be constituted for the purposes of this Law a Board of Seven Commissioners, who shall be called the Natal Harbour Board.

9. The Natal Harbour Board shall be a body corporate, and shall use a corporate seal.

10. Four of such Commissioners shall be appointed by the Governor, not more than two of whom shall hold offices of profit

Harbour.

under the Crown. The Marine Engineer hereinafter referred to shall be eligible to be so appointed, but no other officer of the Port, Harbour, or Customs shall be appointed to be a Member of such Board.

Vide Law 3, 1884.

11. Two other of such Commissioners shall be appointed by the Town Council of the Borough of Durban, one only of whom shall be a Member of such Council.

by Town Council of Durban.

12. One other of such Commissioners shall be appointed by the Town Council of the City of Pietermaritzburg, such Commissioner not being a Town Councillor.

by Town Council of Pietermaritzburg.

13. The appointment of Commissioners to fill vacancies shall be vested in the authority which appointed the person who created the vacancy: Provided always, that every appointment shall be for a period of two years, and that the power to dissolve the Board, whenever he shall see fit, shall vest in the Governor, and in case of such dissolution, the nominating powers shall forthwith proceed to the appointment of a new Board.

Vacancies.

Provide as to duration of appointments, and power vested in Governor to dissolve Board.

14. If any Commissioner shall absent himself from the meetings of the Board for four consecutive sittings, without the leave of the Board, he shall *ipso facto* vacate office.

Absence of Commissioners.

15. The Commissioners shall, at their first meeting in May in each year, elect a Chairman of the Natal Harbour Board, who shall have a casting vote only. Three Members of the Board shall form a quorum.

Election of Chairman.

Quorum.

16. The Natal Harbour Board shall be endowed with the lands known as Addington and the Point, bounded on the north by Rutherford Street, on the south by the Bay of Natal, and on the east by the Indian Ocean, and with the rents of all existing leases of lands situate within such boundaries: Provided that such endowments shall not prevent the resumption by the Natal Government of any site or sites in Addington or at the Point required for public purposes.

Board endowed with Addington and Point lands.

Vide Law 10, 1889.

Provide.

17. The Natal Harbour Board may lease or let any of the lands in the last clause mentioned, and any available foreshores within their jurisdiction, and any suitable sites on that portion of the Bluff within their jurisdiction: Provided that the consent of the Governor in Council shall be first obtained to such leasing or letting, and that the said Natal Harbour Board shall not divest themselves of the said lands or any part thereof in any other way.

Power to lease.

Provide.

18. All rents and revenues accruing from lands within the control of the Natal Harbour Board shall be applied for the improvement of the Port and Harbour of Natal, subject to the previous direction and vote of the Legislature of Natal.

Application of rents and revenues.

19. Such sums of money as may from time to time be voted by the Legislative Council, or may be advanced by the Government in anticipation of such vote for the purposes of the Board, shall be placed at the disposal of the Board by the Treasurer of the Colony, and shall be accounted for by the Natal Harbour Board.

Monies voted by Legislative Council, or advanced by Government, placed at disposal of Board.

Harbour.

Appointment of
Marine Engineer.

20. There shall be a Resident Marine Engineer appointed by the Governor, at such salary as may be voted by the Legislature, and such salary shall form a charge against the revenues of the Harbour Board.

Powers conferred on Board.

21. Powers as under are hereby conferred on the Natal Harbour Board :—

- (a) To ensure the proper application to the works for which they are voted of all moneys entrusted to them or appropriated for Harbour Works purposes by the Legislature.
- (b) To promote secure anchorage in, and the safe navigation of, the Port and Harbour of Natal, and to adopt precautions for the prevention of shipwrecks and casualties amongst shipping, and for the protection of ships and cargoes wrecked or in danger of being wrecked.
- (c) To regulate the use of wharfs and foreshores in the Port and Harbour of Natal.
- (d) To enquire into all complaints relating to any officers connected with the Port and Harbour of Natal, and to report upon the same to the Governor in Council.
- (e) To prevent the use in the Port or Harbour of Natal of unsafe or dangerous vessels or craft, and to register and license all boats or vessels used for purposes of trade or hire other than seagoing vessels, and to levy yearly licenses not exceeding the rates mentioned in the Schedule to this Law.
- (f) To establish and regulate a water police, and to appoint and control constables or watchmen for the wharfs.
- (g) To make such regulations as may be necessary in the interests of health and cleanliness and decency.
- (h) To facilitate and expedite the loading and unloading of vessels. }
- (i) To determine and adjust all Pilotage rates, Port Dues, and Wharf charges other than charges fixed by any Law of this Colony.
- (j) To promote the efficiency of the Pilot Service, and to maintain discipline amongst Pilots.
- (k) To promote efficiency in the Lighthouse and Signal Station Establishments, and to maintain discipline amongst the officials there employed.
- (l) To adopt precautions for the preservation of life in case of shipwreck.
- (m) To direct and regulate the use of Dredgers, Patent Slips, Docks, and Gridirons, and to lease, with the consent of the Governor in Council, portions of the foreshore for those purposes.
- (n) To employ and dismiss a Wharfmaster and a Secretary, and such other Officers and Servants as may be authorized by votes of the Legislative Council.

Vide Law 10,
1889

Harbour.

22. The jurisdiction of the Natal Harbour Board shall extend over all the Bay of Natal up to high water mark, and over all wharfs and landing places, public jetties and piers, and over the Islands of the Bay, and over the Lifeboat and Boathouse, Rocket Apparatus, and Buildings, and over all waters seaward from the Lighthouse, to the limits of jurisdiction, and over that portion of the Bluff which is bounded on the south by Lots 35, 31, 29, and 27 and the Reserve, and on the northward by the Bay of Natal, and on other sides by the Bay of Natal, or the waters of the Indian Ocean.

Jurisdiction of Board.

23. Where any vessel is sunk, stranded, or abandoned within the jurisdiction of the Natal Harbour Board, either within the Harbour, or in or near any approach thereto, in such manner as, in the opinion of the Natal Harbour Board, to be or belikely to become, an obstruction or danger to navigation in the Harbour, or in any approach thereto, it shall be lawful for the Natal Harbour Board to take possession of and raise, remove, or destroy the whole or any part of the vessel, and to light or buoy any such vessel or part until raising, removal, or destruction thereof, and to sell, in such manner as they may think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this Law; and the Harbour Board may, out of the proceeds of such sale, reimburse themselves for the expenses incurred by them under this Law, and shall hold the surplus, if any, of such proceeds in trust for the persons entitled thereto: Provided always that, except in the case of property which is of a perishable nature, or which would deteriorate in value by delay, a sale shall not be made under this Law until at least seven clear days' notice of the intended sale has been given by advertisement in some local newspaper circulating in Durban: Provided further, that at any time before any property is sold under this Law, the owner thereof shall be entitled to have the same delivered to him on payment to the Natal Harbour Board of the fair market value thereof, to be ascertained by agreement between the Natal Harbour Board and the owner, or failing such agreement by some person to be named for the purpose by the Governor in Council, and the sum paid to the Natal Harbour Board as the value of any property under this provision shall, for the purposes of this Law, be deemed to be the proceeds of sale of that property; any further sum than the amount of the proceeds of the sale of such ship or property properly and necessarily incurred in the removal of such obstruction shall be defrayed from the public revenue of the Colony.

Board may remove and dispose of sunken vessels, &c., causing obstruction to navigation.

Proviso.

Proviso.

24. The Natal Harbour Board shall have power to and shall frame all such By-laws, Rules, and Regulations as may be necessary for carrying out the powers of the Board.

Board authorised to frame By-laws, Rules, and Regulations.

25. All such By-laws, Rules, and Regulations, and all additions thereto, or alterations therein, shall be subject to confirmation by the Governor in Council, and except in cases of urgency, of which the Governor shall be the judge, shall be published in the *Natal Government Gazette* for four consecutive weeks prior to confirmation.

Such By-laws, Rules, and Regulations subject to confirmation of Governor in Council, Publication prior to confirmation.

Harbour.

Publication when sanctioned.

Penalty for breach of such By-laws, &c.

Manner in which contraventions of By-laws, &c., shall be prosecuted.

Board to keep proper accounts of all moneys received and expended.

Copies of proceedings of Board.

Harbour Board to frame and transmit documents to Governor in Council.

26. All By-laws, Rules, and Regulations sanctioned by the Governor in Council shall be published in the *Natal Government Gazette*, and at some public place at the Point.

27. Any person committing a breach of any such By-law, Rule, or Regulation shall be liable to a fine not exceeding the sum mentioned in the By-law, and which in no case shall exceed the sum of £10, or failing payment, to a term of imprisonment, with or without hard labour, not exceeding three months.

28. Any contravention of any such By-law, Rule, or Regulation shall be dealt with by the Resident Magistrate, Durban, on the prosecution of the offender, by any person appointed to prosecute by the Natal Harbour Board, or upon civil summons issued in the name of the Natal Harbour Board.

29. The Natal Harbour Board shall cause proper accounts to be kept of all moneys received and expended by them, and shall furnish half-yearly statements of such accounts to the Governor in Council, who shall lay them before the Legislative Council at the first sitting thereafter.

30. Printed Copies of the proceedings of the Natal Harbour Board shall be furnished to the Colonial Secretary, the Clerk of the Legislative Council, the Town Clerk, Durban, and the Town Clerk, Pietermaritzburg.

31. The Natal Harbour Board shall, within the first week of every Session of the Legislature, frame and transmit to the Governor in Council, for transmission to the Legislative Council :—

- (a) A report of all works completed or in progress.
- (b) Plans and Estimates of the Expense of all Works intended to be begun or to be continued.
- (c) A statement showing all Receipts and Payments in connection with Port and Harbour Establishments (exclusive of Customs) up to a recent date.
- (d) An Estimate of all Revenue and Expenditure in connection with Port and Harbour Establishments (exclusive of Customs) for the ensuing financial year.

Pilotage.

32. The Port of Natal is hereby declared to be a compulsory Pilotage Port, but the Government of Natal shall not be responsible for any loss, damage, or accident that may occur through any pilot, even though such pilot may be for the sake of convenience a servant of the Government.

Governor may license pilots.

33. The Governor in Council shall from time to time license such and so many pilots for any port or harbour in the Colony of Natal as he may think fit.

Qualification of pilots.

34. No candidate shall be licensed as a pilot until he shall have satisfactorily passed an examination in seamanship and knowledge of local waters before a board of examiners appointed by the Governor in Council, nor until he shall have entered into a bond with two sureties in the sum of £100, conditioned for the careful discharge of his duty as pilot.

Harbour.

35. All persons heretofore licensed as pilots shall be deemed to be pilots licensed under this Law.

Pilots already licensed deemed to be pilots licensed under this Law.

36. This Law may be cited as "The Natal Harbour Regulations Law."

Short title.

37. Save so far as in conflict with this Law all former Laws and Ordinances now in existence shall be deemed to be in force notwithstanding the passing hereof.

Existing Laws and Ordinances to remain in force, save so far as in conflict with this Law.

SCHEDULE.*Scale of Licenses.*

	£	s.	d.
Steam Tugs or Steam Lighters, at per foot in length, over all, not exceeding	2	0	
Cargo Boats, Lighters, and other Craft not propelled by steam, at per foot in length, over all, not exceeding	1	0	
Ferry Boats, or Boats plying for hire, at per foot, in length over all, not exceeding	0	6	

Vide Law 10, 1880.

Given at Government House, Natal, this 30th day of December, 1880.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 30, 1880.

(Signed) GEORGE POMEROY-COLLEY.

For making Further Provision for the Service of the Year 1879.

LAW No. 31, 1880.

(Signed) GEORGE POMEROY-COLLEY.

For making Further Provision for the Service of the Year 1880.

LAW No. 32, 1880.

(Signed) GEORGE POMEROY-COLLEY.

For providing a Sum not exceeding £161,369, for the Public Service of the Railway Department of this Colony during the Year 1881.

Census.

LAW No. 33, 1880.

(Signed) GEORGE POMEROY-COLLEY.

For providing a Sum not exceeding £432,926 6s. 11d for the Public Service of the Colony during the Year 1881.

LAW No. 34, 1880.

(Signed) GEORGE POMEROY-COLLEY.

To provide for taking a Census of the Population of the Colony of Natal.

Preamble.

WHEREAS it is expedient that provision should be made for taking a Census of the Colony :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Governor empowered to cause a census to be taken, and to appoint enumerators.

1. It shall be lawful for the Governor, as soon as may be, to cause a Census to be taken of the population, lands, live stock, and produce of this Colony.

2. The Governor shall appoint by Notice in the *Government Gazette* one or more fit and proper persons to act as enumerators in each Ward for the purpose of collecting the information required, and shall also appoint such Central Board as may be necessary for the due collection and classification of the information required.

Who to be enumerator of inmates of Gaol, Hospital, or Lunatic Asylum.

3. The Superintendent or Keeper of every Gaol, and the Manager or Master of every Hospital or Lunatic Asylum, shall be the enumerator of the inmates thereof.

Particulars of information to be collected to be announced by the Governor, and duties of enumerators and inhabitants, and forms of returns, &c.

4. The Governor shall announce and make known, by a Proclamation in the *Natal Government Gazette*, the nature and particulars of the information to be collected by the enumerators appointed as aforesaid, and the duties to be discharged by such enumerators, and by the inhabitants of the Colony respectively, and shall specify the forms of the returns to be made, and all other matters necessary for the due carrying into effect of this Law.

Governor to fix day for taking of census.

5. The Governor shall, in such Proclamation, name some certain day as the day in regard to which the number of persons then in this Colony, and all other particulars necessary for the purposes of the Census, are, as accurately as circumstances will permit, to be ascertained.

Town Councils, &c., to aid in taking of census.

6. It shall be the duty of the Town Councils of the Boroughs of Pietermaritzburg and Durban (and of any Local Boards which may hereafter be established) to aid, as far as is in their power, in the taking of the said Census, by supplying such information as they may be able to afford, and by performing such duties as shall by any such Proclamation be assigned to them,

Census.

7. Every householder and every occupier of land residing in the Colony of Natal, on the day to be hereafter fixed for taking the Census, shall be required to furnish the information specified in the Proclamation to be issued by the Governor as aforesaid.

Householders and occupiers of land to furnish information.

8. The enumerators appointed as aforesaid shall, upon the day proclaimed for taking the Census, proceed to receive or take an account in writing of the number of persons who were within the limits of their respective districts on the night preceding the day so fixed by Proclamation, and to inform themselves of the several particulars required by the said Proclamation.

Duties of enumerators.

9. In order to facilitate the collection of the information required as aforesaid, the several Resident Magistrates shall cause to be distributed blank forms of returns, in English or Dutch, at least seven days before the day appointed for taking the Census, to every householder and occupier of land within their respective Counties or Divisions, for the purpose of the same being filled in on the morning of the day appointed for taking the Census, and being delivered to the enumerators when called for.

Blank forms to be distributed by Resident Magistrates.

10. The said enumerators are hereby authorised and empowered to ask such questions of the persons residing or being within their respective districts, concerning all matters and things as shall enable the said enumerators to obtain the information required by the Governor in terms of the Proclamation issued as aforesaid; and every such person refusing or neglecting to answer, or wilfully giving a false answer to any such question, or wilfully furnishing a false return, shall, for every such refusal or neglect, or false answer or return, forfeit and pay a sum not exceeding Five Pounds, with the costs of prosecution, at the discretion of the Resident Magistrate before whom complaint thereof shall be made.

Powers of enumerators.

Penalty for neglect or refusal to answer, or giving false answer to question.

11. Every enumerator appointed as aforesaid, making wilful default in any of the matters required of him by this Law, or making any wilfully false statement, shall for every such wilful default or false statement forfeit a sum not exceeding Fifteen Pounds.

Penalty for default of enumerator.

12. All fines imposed by this Law may be sued for by the Attorney-General or the Clerks of the Peace, and shall be recoverable in a summary manner before a Resident Magistrate, and when recovered shall be paid into the Colonial Treasury.

Penalties, how to be recovered and appropriated.

13. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 30th day of December, 1880.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,

Colonial Secretary.

Railway Loan.

LAW No. 35, 1880.

(Signed) GEORGE POMEROY-COLLEY.

To raise a Loan for the Construction and Equipment of certain Railway Extensions in the Colony of Natal, and for other purposes.

Preamble.

Amended by
Law 10, 1882,
vide Law 14,
1884, Law 1, 1886,
and Law 16, 1888.

WHEREAS, by the Natal Government Railway Extension Law, 1880, the Governor is empowered to enter into a contract for the making and maintaining of certain lines of Railway being extensions of the present Railway system of Natal : And whereas provision is also made for the equipment and working of the said Railway being an extension and continuation of the present Main Line, and commencing from at or near the City of Pietermaritzburg, and extending to some spot at or near the Town of Ladysmith, in the Klip River Division of the County of Klip River :

And whereas it is necessary to expend in and about the construction and equipment of the said Railway Extensions a sum not exceeding £1,100,000 :

And whereas it is necessary to expend in and about the completion of the Line of Railway constructed under Law 4, of 1875, an additional sum not exceeding £50,000 :

And whereas it is expedient to make provision for the repayment of a sum of £250,000 expended and advanced by the Imperial Government out of Imperial funds for the purposes of Colonial Defence and other Colonial Services during the late Zulu War :

And whereas it is necessary to make provision for the construction of certain Public Works of a permanent character in this Colony, to an amount of not exceeding £200,000, such sum to be raised by instalments, as required, extending over a period of five years :

And whereas it is expedient to make provision for raising, by way of loan, funds for the different purposes set forth and described in this preamble :

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Law may be cited for all purposes as "The Natal Loan Law, 1881, for the Extension of Railways and for other purposes."
2. In this Law,—

Interpretation clause.

The expression "the Governor" means and includes the Governor or Officer administering the Government for the time being.

The expression "debenture" means a debenture or other security issued under the authority of this Law.

The expression "the Railways" means the railways and works authorised to be constructed and executed, or any of them.
And

The expression "the Crown Agents" means the Crown Agents for the Colonies in London for the time being.

Railway and other Loans.

3. The Governor may from time to time borrow upon debentures, or upon such other form of security as he may think preferable, such sum or sums of money, not exceeding in the whole the sum of £1,600,000, and may employ and empower the Crown Agents to negotiate and to effect the loan hereby authorised, and the amount so raised shall be applied for the following purposes, and for no other purposes.

Governor authorised to borrow £1,600,000 for certain purposes.

- a. The sum of £1,100,000, or so much thereof as may be required, to pay for the construction, maintenance, equipment, and working of the Railway and works which may be constructed between the City of Pietermaritzburg and the Town of Ladysmith, and for all necessary services and labour in connection with the said Railways and works, and for the purchase of such lands, easements, and other property as may have to be purchased for the same, and for the purchase of all requisite materials, plant, engines, rolling stock, and other things in connection with the Railways and the equipment and working thereof, and other purposes of the said recited Law.
- b. A sum not exceeding £50,000 required for completing the Main Line of Railway from Durban to Pietermaritzburg, and including the cost of plant, engines, and rolling stock.
- c. The sum of £250,000 to be repaid to the Imperial Government, for moneys advanced by that Government from Imperial funds, and expended during the late Zulu War for purposes connected with the defence of the Colony and other Colonial Services.
- d. A sum not exceeding £200,000 for new Public Works of a permanent character : provided that no money borrowed for this purpose shall be expended until such expenditure shall have been sanctioned by the Legislature of Natal.

4. The principal money secured by every debenture issued under the authority of this Law shall bear interest at a rate not exceeding Five Pounds per cent. per annum, and such principal money and interest shall be and are hereby charged upon and made payable out of the general revenue and assets of the Colony, but subject to all now subsisting debts and sums of money charged on such revenue and assets by virtue of any Law heretofore passed.

Interest not to exceed 5 per cent.

5. The interest on the principal money secured by any debenture shall commence from a day to be named in the debenture, and shall be paid half-yearly at the office of the Crown Agents in London, and the principal sum secured shall be paid at the same place, on a day to be also named in the debenture, and being not more distant than forty-five years from the First day of January, 1882.

How and when interest and principal are to be paid.

6. The debentures issued under this Law may be issued at the par value thereof, or at a premium upon or discount from the par value, as the Crown Agents shall deem to be expedient at the time of issue.

Debentures may be issued at premium, or discount upon par value.

Railway and other Loans.

How debentures must be signed.

7. Every debenture shall be signed by the Colonial Secretary and the Colonial Treasurer of Natal, and be countersigned by the Crown Agents, or one of them as agents or agent for the negotiation of the loan hereby authorised, and be registered before issue in the Register Books to be kept for that purpose in the office of the Crown Agents.

Coupons to be attached to debentures for payment of interest.

8. To every debenture shall be attached, at the time of the issue thereof, coupons for the payment of the interest upon the principal sum secured by the debenture, to become due in each half year, either during the whole period during which the debenture shall have to run or a part of such period, as the Governor may determine.

Transfer of debentures and coupons allowed.

9. Every debenture and coupon shall be transferable, and the right to receive the principal money and interest respectively secured or represented thereby shall pass by delivery.

Appropriation out of general revenue for payment of interest, and remission of same to Crown Agents.

10. The Governor shall appropriate and set apart in each half year, out of the general revenue of the Colony, a sum sufficient for the payment of the interest accruing in such half year on the entire amount of the principal moneys borrowed under this Law, and for the time being owing, and shall remit the sum so appropriated to the Crown Agents in London in time for the payment of such half-year's interest when the same shall fall due.

Appropriation for sinking fund.

11. The Governor shall half yearly, commencing from the 1st day of January, 1886, also appropriate and set apart out of the general revenue of the Colony, and in like manner remit to the Crown Agents, a sum of money equal to the half of £1 per cent. of the entire amount of the principal moneys so borrowed, and for the time being owing, in order to form a sinking fund as hereinafter provided.

Vide Laws 10, 1882, and 9, 1883.

Appointment of Trustees for sinking fund.

12. The Governor shall, with the approval of the Secretary of State for the Colonies for the time being, nominate and appoint two or more persons to be trustees for the purpose of the sinking fund, and may, from time to time, with the like approval, nominate and appoint other fit persons to fill casual vacancies in the number of trustees occasioned by death or otherwise, so that the number of trustees may never be less than two.

Vide Laws 10, 1882, and 9, 1883.

Duties of Trustees on receiving sums remitted for sinking fund.

13. The Crown Agents shall pay over to the trustees for the time being all sums remitted to them as last aforesaid, and the trustees shall accumulate the same to form a sinking fund for the redemption of the Loan hereby authorised by investing the same sums, and all the resulting income thereof in some one or more of the securities of the Imperial Government of Great Britain, or of the Government of any Colony or Dependency of Great Britain.

Vide Laws 10, 1882, and 9, 1883.

Trustees may apply sinking fund in purchase of debentures issued under this Law.

14. The trustees may from time to time apply any part of the sinking fund in the purchase of debentures issued under the authority of this Law. All debentures so purchased, and the interest coupons attached thereto, shall be immediately cancelled or destroyed. Subject to this power of applying the same, the sinking fund shall be applied in payment, as and when the same shall become

Vide Laws 10, 1882, and 9, 1883.

Railway and other Loans.

due, of the principal moneys for the time being owing on debentures issued under the authority of this Law *pari passu*, and without any priority.

15. In case the sinking fund shall be insufficient for the payment of all the principal moneys borrowed under the authority of this Law at the respective times when the same shall have become due, the Governor shall make good the deficiency out of the general revenue and assets of the Colony.

If sinking fund insufficient to pay moneys borrowed, general revenue to make good the deficiency.

Vide Laws 10, 1882, and 9, 1883.

16. All expenses of or incidental to the management of the sinking fund or the purchase of debentures, or the repayment of the principal moneys to be borrowed under this Law, shall be paid out of the sinking fund.

Expenses to be paid out of sinking fund.

Vide Laws 10, 1882, and 9, 1883.

17. Every debenture, the principal monies secured by which shall be repaid, shall be delivered up to the Crown Agents, and be by them immediately cancelled or destroyed.

Debenture, when paid, to be cancelled or destroyed.

Vide Laws 10, 1882, and 9, 1883.

18. No money shall be re-borrowed, nor shall any re-issue of debentures be made in respect of any debentures purchased or paid off and cancelled or destroyed as aforesaid.

No re-borrowing allowed.

Vide Laws 10, 1882, and 9, 1883.

19. All moneys borrowed under the authority of this Law shall be applied to and for the purposes for which the same are hereby authorised to be borrowed, and in payment of all costs and expenses of and incidental to the borrowing of the same, and for no other purpose whatever.

Application of moneys borrowed.

20. No debentures under this Law shall be disposed of for six months from the date of the signification of Her Majesty's assent to this Law, unless a contract or contracts shall have been sooner entered into and confirmed by the Legislature of Natal, as provided under the Natal Government Railway Extension Law, 1880; and provided that a provisional contract shall have been, within that time, submitted to the Legislative Council, on the confirmation of which the Law may be at once put in force.

Debentures not to be disposed of until six months from signification of Her Majesty's assent to this Law, unless contract be sooner entered into.

Vide Law 1, 1881.

21. This Law shall commence and take effect from and after the Proclamation by the Governor in the *Government Gazette* of Her Majesty's assent to the same.

Commencement of Law.

Given at Government House, Natal, this 30th day of December, 1880.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,

Colonial Secretary.

Railway Extension.

LAW No. 1, 1881.

(Signed) EVELYN WOOD,

To empower the Lieutenant-Governor to make, maintain, and equip certain extensions of the Main Line of Railway in the Colony of Natal, and to enter into contracts for the construction of the same.

Preamble.

WHEREAS it is expedient that the Railway hereafter described or referred to should be constructed as speedily as may be :

Amended by
Law 1, 1883,
and vide Law
26, 1887.

And whereas it is expedient that the Lieutenant-Governor should be empowered to enter into a contract or contracts for the construction of the whole or any part of the works up to formation level, including ballasting and laying of permanent way, required for the extension of the Main Line of Railway from Pietermaritzburg to Ladysmith, or failing such contract, to construct the said line departmentally :

And whereas it is expedient that the Lieutenant-Governor should be empowered to enter into a contract or contracts for the supply of all permanent way materials required for the said extension of the Main Line of Railway :

And whereas it is expedient that the Lieutenant-Governor should be empowered to provide, either by contract or departmentally, all Station works and Telegraphs required for the said extension of the Main Line :

And whereas it is expedient that the Lieutenant-Governor should be empowered to maintain, equip, and work the said extension of the Main Line of Railway, and that certain powers and authorities should be conferred on the Lieutenant-Governor in relation to the construction, maintenance, equipment, and working of the same Railway :

And whereas plans and sections, and type drawings, showing generally the lines and levels of the said proposed Railway, and the lands to be traversed by the same, and some of which will be required for the purposes thereof, have, before the passing of this Law, been deposited at the office of the Clerk of the Legislative Council :—

Be it therefore enacted by the Lieutenant-Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Law may be cited for all purposes as “The Natal Government Railway Extension Law, 1880.”

Interpretation.

2. In this Law the expression “the Lieutenant-Governor” means and includes the Lieutenant-Governor or other officer administering the Government of Natal for the time being ; and the expression “the Railway” means the Railway by this Law authorised.

Lieutenant-Governor and his successors incorporated.

3. The Lieutenant-Governor and his successors shall be a Corporation for the purposes only of this Law, and for those purposes shall be entitled and competent to take, hold, and dispose of lands and other property.

Railway Extension.

4. "The Lands Clauses Consolidation Law, 1872," is, except when expressly varied by this Law, incorporated with and forms part of this Law.

Incorporation of Lands Clauses Consolidation Law, 1872.

5. The Lieutenant-Governor may make and maintain in the lines, according to the levels shown generally in the deposited plans and sections, or in such other lines, and according to such other levels, and with such deviations from the deposited plans and sections as the Lieutenant-Governor shall think desirable, while preserving the general direction and the respective termini of the Railway as shown on the same plans, the railway hereinafter mentioned, with all proper stations, sidings, approaches, passing places, electric telegraphs, signals, works, and conveniences connected therewith respectively; and may so make and maintain the same upon such of the lands shown in the deposited plans, or upon such other lands as may be required for the purpose; and may enter upon, take, and use permanently or temporarily all such lands, as aforesaid, as may be so required. All waste lands of the Crown which may be required for the Railway, or any purpose connected therewith, may be taken and used without any charge or payment for the same.

Lieutenant-Governor empowered to make and maintain Railways, and to take lands.

6. The Railway authorised by this Law is as under:—A Railway commencing by a junction with the existing line of Railway at the City of Pietermaritzburg, and terminating at a point in or near the town of Ladysmith.

Description of Railways.

7. The Lieutenant-Governor may enter into a provisional contract or contracts for the execution of the works required for the above-mentioned Railway, that is to say:—

Lieutenant-Governor empowered to enter into provisional contract or contracts for the execution of the necessary works.

- 1st. For the construction of the whole of the works required for the above-mentioned line up to formation level, and including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion.
- 2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.
- 3rd. For the provision and erection of all Stations, Station Works, and works accessory thereto.
- 4th. For the purchase and erection of all electric telegraph material.

Provided that should the Lieutenant-Governor fail in securing any satisfactory contract or contracts for the execution of these works, those works be carried out departmentally.

Proviso.

8. The Railways shall be constructed as single lines on the gauge of 3 feet 6 inches, but the Lieutenant-Governor may from time to time cause double lines to be constructed at such place or places on the course of the said Railways as he may think expedient.

Railways, how to be constructed,

Railway Extension.

Time for completion of Railways.

9. It shall be a condition in any contract or contracts that the following sections are to be completed in the order hereinafter mentioned, and within the periods hereinafter set forth, that is to say :—

- 1st. From Pietermaritzburg to Lidgetton, not exceeding two years ;
- 2nd. From Lidgetton to Estcourt, not exceeding one year thereafter ;
- 3rd. From Estcourt to Ladysmith, not exceeding one year thereafter.

In each case from the date of delivery to the contractor or contractors of notice of the ratification of the contract.

Railways to be deemed roads.

10. The Railways shall, in respect of all Crown Lands heretofore granted by the Government in quit rent or freehold, or leasehold tenure, and in or over which the Railways or any part thereof, shall be made, be deemed to be roads made, or to be made, for the public good by order of the Government, and accordingly the proprietors of such lands shall not, except in the cases provided in their several title deeds, or deeds of grant for compensation, be entitled to any compensation for the land taken for the purposes of the Railways, and further provided for by Law No. 19, 1875, or the Railway Compensation Law, 1880 ; and compensation in such excepted cases shall be assessed in manner following, and in no other, that is to say, that if any permanent improvements upon any such lands be destroyed or injured, or required to be removed by or for the construction of the said Railways, or any part thereof, or there be any other ground or cause for which compensation may be claimed, in terms of any such title deed or deeds of grant, for the construction of any road made for the public good by order of the Government, it shall be lawful for the owners or occupiers of the lands upon which such improvements have been made to claim compensation, and to have the amount of said compensation determined, in accordance with the provisions of the Law 19, 1875 : Provided that such portions of Town Lands formerly granted to the Corporation of Pietermaritzburg, and which are not now alienated by the said Corporation of Pietermaritzburg, shall be deemed, for the purposes of this Law, to be Crown Lands heretofore granted, over which the Colonial Government had reserved the rights to make roads for the public good by order of Government.

Proviso.

Lieutenant-Governor may employ engineers and others.

11. The Lieutenant-Governor may employ all engineers, clerks, workmen, and other persons for the purposes of the said contract or contracts, and for superintending the construction and maintenance thereunder of the Railway, and for the maintenance and working of the Railway until six months after completion, and pay to all or any such persons such salaries, wages, or remuneration as may from time to time be voted by the Legislative Council.

Lieutenant-Governor may provide materials, plant, &c.

12. The Lieutenant-Governor may provide all workshops, materials, plant, engines, rolling-stock, machinery, and other things which he may consider requisite for the maintenance, equipment, and

Railway Extension.

working of the Railway, or otherwise necessary or desirable in relation thereto.

13. All materials, plant, engines, rolling-stock, and other things imported into the Colony from time to time, for the construction, maintenance, equipment, or working of the Railway, or for any purpose connected therewith, shall be free of import duty.

Materials, plant, &c., to be admitted into the Colony free of import duty.

14. The Lieutenant-Governor may, on behalf of the Colony, make, enter into, and perform all such contracts, and generally may do, or authorise to be done, all such acts and things as he may think necessary or expedient for carrying into effect the purpose of this Law. [Last paragraph repealed, *Vide Law 1, 1882, Sec. 1.*]

General powers of Lieutenant-Governor.

15. The Railway and electric telegraphs, and all stations, lands, works, property, and things belonging thereto or held in connection therewith, shall be for ever exempt from all highway, municipal, police, and other local rates and taxes now or hereafter to be made or imposed.

Railways to be exempt from local rates and taxes.

16. The Lieutenant-Governor, with the advice of the Executive Council, may, from time to time appoint some fit person or persons to carry into effect the purpose of this Law, and may delegate to him, or them all or any of the powers and authorities hereby conferred on the Lieutenant-Governor, and may, from time to time, remove any person so appointed, and appoint another person in his stead.

Lieutenant-Governor may appoint persons to carry out this Law, and may delegate powers.

17. The Lieutenant-Governor shall not be personally liable for any loss or damage arising from or caused by anything done under the authority of this Law.

Lieutenant Governor not to be personally liable.

18. This Law shall commence and take effect from and after the Proclamation by the Lieutenant-Governor in the *Government Gazette* of Her Majesty's assent to the same.

Commencement of Law.

Given at Newcastle, Natal, this 2nd day of May, 1881.

By command of His Excellency the Administrator of the Government.

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 2, 1881.

(Signed) EVELYN WOOD.

To provide for the continuance of certain Customs Duties, Fees, or Charges imposed by the Steam Tug Loan Law, 1871.

In force till 1st January, 1887. *Vide Law 6, 1886.*

LAW No. 3, 1881.

(Signed) EVELYN WOOD.

To continue the Law No. 12, 1875, entitled Law "To Enable certain Wharfage Dues to be Levied at the Harbour of Port Natal."

Expired on 1st January, 1887. *Vide Law 7, 1886.*

Customs Duties.

LAW No. 4, 1881.

(Signed) EVELYN WOOD.

To amend the Laws relating to Customs Duties.

Preamble.

WHEREAS it is expedient to provide for the exemption from Customs Duty of certain articles imported for agricultural and planting purposes :

Suspended by
Law 4, 1886, *vide*
Law 1, 1889.

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Articles to be
admitted free of
Customs Duty
(except registra-
tion charges) as
per Schedule.

1. From and after the commencement of this Law, the articles in the Schedule to this Law mentioned shall be admitted into this Colony free of Customs Duty, except registration charges, as set forth in Schedule C of Law No. 1, 1867.

Law 1, 1867, so
far repealed.

2. The provisions of Law No. 1, 1867, in so far as repugnant to or inconsistent with any of the provisions of this Law, shall be, and the same are hereby, repealed.

Commencement
of Law.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

SCHEDULE.

Fencing Wire.

Iron Standards, and all material intended to be used solely for the purposes of wire fencing.

Iron or steel rails for the construction of tramways on farms or plantations.

Given at Government House, Natal, this Twentieth day of December, 1881.

By command of His Excellency the Administrator of the Government.

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 5, 1881.

(Signed) EVELYN WOOD.

For making Further Provision for the Service of the Year 1880.

LAW No. 6, 1881.

(Signed) EVELYN WOOD.

For making Further Provision for the Service of the Year 1881.

Corporation of Pietermaritzburg.

LAW No. 7, 1881.

(Signed) EVELYN WOOD.

For making Further Provision for the Public Service of the Railway Department of this Colony for the year 1881.

LAW No. 8, 1881.

(Signed) EVELYN WOOD.

*For providing (subject to certain limitations and conditions) a Sum not exceeding £653,489 12s. 1d. for the Public Service of the Colony during the Year 1882.**Vide Law 5, 1882.*

LAW No. 9, 1881.

(Signed) EVELYN WOOD.

To amend the Municipal Corporations Law, 1872, and to authorise and empower the Town Council of the City and Borough of Pietermaritzburg to from time to time take over, repair, and maintain certain by-streets situate within the said Borough; and further, to authorise the Mayor and Councillors aforesaid to license and control the plying for hire of cabs, carriages, and other vehicles within the said Borough.

WHEREAS by the Municipal Corporation Law, 1872, Section 52, power and authority are given to the Municipal Corporations constituted thereunder, including the Town Council of the City and Borough of Pietermaritzburg, to make any tramways, roads, streets, and bridges, and to excavate, construct, and lay watercourses, water pipes, conduits, sluices, dams, reservoirs, drains, and other like works, within the limits of the Borough, and to keep the same in repair : Preamble.

And whereas the Town Council of the City and Borough of Pietermaritzburg are desirous of from time to time taking over, repairing, and maintaining certain by-streets, within the limits of the said Borough, and it is expedient to amend the said Municipal Corporations Law, 1872, so far as regards the said Town Council, by conferring upon the said Town Council, in addition to the powers in them vested as aforesaid, the power and authority to from time to time take over, repair, and maintain certain by-streets situate within the limits of the said Borough, but not at present laid off on the General Plan of the said Borough ;

Corporation of Pietermaritzburg.

And whereas it is expedient to authorise and empower the said Town Council to control the plying for hire of cabs, carriages, and other vehicles within the said Borough, and to issue annually licenses to the owners of such vehicles, and to charge for the same :

And whereas it will be for the general benefit of the burgesses of the said Borough if the powers herein referred to are conferred on the said Town Council :

Be it therefore enacted by the Administrator of the Government of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

Section 52, Law 19, 1872, amended so as to be applicable to certain by-streets within the Borough of Pietermaritzburg.

1. Section 52 of the Municipal Corporations Law, 1872, shall be, and the same is hereby, amended, so far as regards the said Borough of Pietermaritzburg, by the further addition of the following words :— Provided that all the provisions of this clause shall also extend and be made applicable to any by-streets within the limits of the Borough of Pietermaritzburg, not now marked on the General Plan of the said Borough, which the Town Council of the said Borough may from time to time resolve to take over, repair, and maintain, for the general benefit of the burgesses of the said Borough, and which by-streets shall thereupon be named by the Town Council, and marked on the General Plan of the Borough.

Town Council may take over by-streets on application of majority of neighbouring residents or the owners thereof.

2. From and after the passing of this Law, it shall and may be lawful for the Town Council of the Borough of Pietermaritzburg, by resolution passed by a majority of the said Council, to take over, repair, and maintain all or any of the by-streets marked on the plan deposited with the Clerk of the Legislative Council as aforesaid : Provided that a majority in number of the residents in properties abutting on or adjacent to such by-streets, or the owner or owners thereof, shall have first applied in writing to the said Town Council so to take over the same.

Compensation to owners.

3. Where by this Law the said Town Council shall take over any by-streets, otherwise than with the consent of the owner or owners thereof, compensation shall be made to the owner or owners for any interest he or they may have in the land so taken, and for damage arising from the exercise of the power vested in the Town Council by this Law. The amount of compensation, when the sum claimed is One Hundred Pounds or under, shall be decided by the Resident Magistrate of the said Borough ; and when over One Hundred Pounds by the Supreme Court of Natal.

Claims for compensation, when not sustainable.

4. No claim for compensation by any such owner or owners shall be sustained after the expiry of six months' notice given to any owner or owners of such by-street or by-streets of the intention of the Town Council so to take over, who, during such period, has or have failed to make any claim for compensation : Provided always that the said Town Council may at any time during or after such notice rescind their resolution to take over any such by-street or by-streets.

What shall be deemed notice under this Law.

5. For the purpose of this Law, notice shall be deemed to have been given where the same has been duly posted to the address of the owner or owners, or their legal representatives ; and where such

Corporation of Pietermaritzburg.

address or addresses are unknown, by an advertisement in the *Government Gazette* of the Colony once a month for six consecutive months.

6. No transfer duty or fines shall be due, payable, or chargeable on the taking over and transfer of any or all of such by-streets.

Transfer duty or fines not chargeable.

7. When a resolution shall have been passed by the Town Council of Pietermaritzburg, in terms of this Law, to take over, repair, and maintain any by-street or by-streets, the Surveyor-General is hereby authorised, on demand made by the said Town Council, to transfer, subject to the provisions in this Law contained, the land over which any such by-street or by-streets may run, or within which any such by-street or by-streets may be situated, to the extent now marked off and delineated on the Deeds of Grant of any such erven in the Surveyor-General's office.

Surveyor-General may transfer land.

8. It shall not be necessary for the purposes of such transfers to mark off on the Title Deed or Deeds of Transfer of said erf or erven other than on the Deed of Grant in the said Surveyor-General's office, any piece of land transferred by the Surveyor-General to the Corporation in terms and under the provisions of this Law.

What shall be deemed a sufficient transfer.

9. The said Town Council shall be and are hereby empowered to issue licenses for all cabs, wagons, drays, or omnibuses plying for hire within the limits of the Borough, and to fix a tariff of rates and fares to be charged in respect of all such cabs, wagons, drays, or omnibuses; and to charge for such licenses, for each period of twelve months, the several sums mentioned and set forth in the Schedule annexed to this Law.

Town Council may issue licenses for cabs, &c.

10. Any person being a resident or carrying on business in the Borough of Pietermaritzburg, or any other person who shall after the expiry of one month from the promulgation by the Town Council of the Regulations made under this Law let out or cause to ply for hire within the limits of the Borough any unlicensed cab, carriage, or other vehicle, his property or under his control, or who shall commit any breach of any condition of the license relating to such vehicle, shall be liable to a penalty not exceeding Five Pounds, to be recoverable with costs in the Court of the Resident Magistrate for the City of Pietermaritzburg.

Penalty for using unlicensed vehicle, and for breach of condition of license.

11. The said Town Council, subject to the regulations relating to by-laws contained in Law No. 19, 1872, shall be, and they are hereby, authorised and empowered to make in terms of the said Law all necessary by-laws for regulating traffic on the roads of the said Borough, and such by-laws as may be deemed necessary for the imposition and collection of the licenses herein referred to, the fixing of rates and fares, and generally for carrying out the objects of this Law, and to impose a fine not exceeding Five Pounds for the infringement or contravention of any such by-law.

Town Council may make by-laws.

12. All penalties imposed by this Law shall be sued for within three calendar months after the same shall have become payable, or after breach of this Law or the commission of any offence against the same, by summary proceedings before the Resident Magistrate of the City Division.

Penalties, how recoverable.

Corporation of Pietermaritzburg.

Offender may be
committed to
gaol, in default
of payment.

13. In case any fine, penalty, or payment ordered by such Resident Magistrate to be paid or made according to the provisions of this Law, or according to the intent and meaning of any by-law made thereunder, shall not be duly paid and made, it shall and may be lawful for the said Resident Magistrate to levy the same by distress and sale of the goods and chattels of the person or persons ordered to pay the same, but if there be no goods on which to make such distress and sale, then it shall and may be lawful for the said Resident Magistrate to commit such offender or offenders to the common gaol of the Borough of Pietermaritzburg for any period not exceeding one month, unless such fine, penalty, or payment, and costs be sooner paid and made.

Commencement
of Law.

14. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

SCHEDULE.**VEHICLES USED FOR THE PURPOSE OF HIRE.**

			£	s.	d.
Omnibus or Tramcar, yearly license	...	...	...	1	10 0
Hansom Cab, yearly license	...	...	...	0	10 0
Any other vehicle upon two wheels, yearly license	...	...	...	0	10 0
Any other vehicle upon four wheels, yearly license	...	...	...	1	0 0

EXEMPTION.

Any vehicle registered in the Town Office as a vehicle substituted for a licensed vehicle, shall, during the period of such substitution, be free from the license duty in the schedule referred to upon payment of a registration fee of One Shilling, and subject to such reasonable conditions as the Town Council may impose.

Given at Government House, Natal, this Twentieth day of December, 1881.

By command of His Excellency the Administrator of the Government,

(Signed)

C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 10, 1881.

(Signed) EVELYN WOOD.

*Vide Laws 47,
1884, and 20,
1888.*

To repeal the Pietermaritzburg Corporation Loan Law, No. 28, 1880, and to empower the Town Council of the Borough of Pietermaritzburg to raise moneys not exceeding One Hundred Thousand Pounds (£100,000) sterling.

Preamble.

WHEREAS the Corporation of the Borough of Pietermaritzburg are desirous of constructing certain Public Works described in the Schedule hereunto annexed at an estimated cost of One Hundred Thousand Pounds (£100,000) sterling, and for these purposes it is

Pietermaritzburg Corporation Loan.

expedient to enable and empower the Town Council of the said Borough to raise a loan to the said extent on security of the portion of the unappropriated Town Lands of the said Borough now in the possession of the said Corporation, and hereinafter described, or the proceeds of the sale thereof :

And whereas the said Town Council were authorised by Law No. 28, 1880, to borrow Fifty Thousand Pounds (£50,000) sterling for some of the purposes contemplated by this Law :

And whereas no moneys have been borrowed under the said Law :

And whereas certain moneys have been borrowed by the said Borough under the Loan Laws of 1864 and 1866, in amount Fifty Thousand Pounds (£50,000) sterling, being the full amount authorised by the said Law, on the security, by way of first charge, of the Town Lands and the General Revenue of the said Borough, and of the Sinking Fund contemplated by the said Loan Laws of 1864 and 1866 :

And whereas the funds of the said Sinking Fund, and the securities in which the said Sinking Fund are invested exceed in amount the sum of Fifty Thousand Pounds, borrowed under the said Loan Laws of 1864 and 1866, being in all the sum of £54,085 4s. 9d. :

And whereas it is desirable to create a second Sinking Fund, in manner as hereinafter provided, as Security for the Loan of One Hundred Thousand Pounds (£100,000), to be borrowed under the provisions of this Law :

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Law No. 28, 1880, entitled Law "To empower the Town Council of the Borough of Pietermaritzburg to raise moneys not exceeding the sum of Fifty Thousand Pounds (£50,000) sterling" shall be, and the same is hereby repealed.

Law 28, 1880,
repealed.

2. It shall be lawful for the Town Council of Pietermaritzburg to raise and take up by public competition or otherwise upon debentures, or such other like instruments, such sum or sums of money, not exceeding in the whole One Hundred Thousand Pounds (£100,000) sterling, as may be required for the purposes hereinbefore mentioned.

Council may
raise £100,000
on debentures.

3. Every debenture, or other like instrument issued under this Law may bear any interest not exceeding Six Pounds Sterling for every Hundred Pounds sterling per annum, and such interest shall be payable at such times and places as may in such debenture, or other like instrument, be covenanted and agreed to.

Interest not to
exceed six per
cent.

4. All sums of money which may become due and owing under this Law, together with interest thereon, are hereby charged, subject to the operation of the Loan Law of 1864, upon the two-thirds of the portion of the unappropriated Town Lands of the Borough of Pietermaritzburg, in possession of the said Corporation, in extent 17,167 acres, 1 rood, and 37½ perches, more or less, bounded northwards by Government Lands now sub-divided ; southwards by the

Sums due under
this Law charged
upon certain
Town Lands,
and upon Sink-
ing Fund.

Pietermaritzburg Corporation Loan.

Zwaartkop Location, "Plessis Laager," and Byrne's Immigrants' Allotments; eastwards by the Farms of Short and Lamond, the New England Estate and the Church Mission Lands; and westwards by Grobbelaar's Farm, and Lots 34 and 35 of the said Town Lands, or the proceeds of the sale of said Lands, and also upon the Sinking Fund created by this Law.

Moneys to be repaid within fifty years.

5. All debentures or other like instruments issued under this Law shall provide for the payment of the moneys thereby made payable within a period not exceeding Fifty Years from the First Day of January, 1882.

Sinking Fund.

6. The said Town Council shall, half-yearly, on and after the First Day of July, 1882, appropriate and set apart the whole of the proceeds of such portion of the Town Lands, described in Clause 4 of this Law, as may have been sold during the preceding half-year, in order to form a Sinking Fund for the purposes of this Law.

Appointment of Trustees for purposes of Sinking Fund.

7. The Town Council shall, from time to time, appoint three persons as Trustees for the purpose of the said Sinking Fund, and shall, from time to time, nominate and appoint other fit persons to fill casual vacancies in the number of Trustees occasioned by death or otherwise, so that the number of Trustees may never be less than three.

Sinking Fund, how formed,

8. The Town Council shall pay over to the Trustees for the time being, all sums of money, the proceeds of the lands mentioned in Clause 4, and the said Trustees shall accumulate the same to form a Sinking Fund for the purposes of this Law, and shall invest the said sums and all resulting income thereof in the Public Debt of the Imperial Government of Great Britain or of the Government of any Colony or Dependency of Great Britain, or in the debentures of any Municipal Corporation in British South Africa.

and invested.

Purchase of debentures out of Sinking Fund.

9. The Trustees may from time to time apply any part of the Sinking Fund in the purchase of debentures issued under the authority of this Law, and all such debentures or other like instruments so purchased, and the interest coupons attached thereto, shall be immediately cancelled by the said Trustees, and when so cancelled shall be filed in the Town Office. Subject to this power of applying the same, the Sinking Fund shall be applied in payment as and when the same shall become due, of the principal moneys for the time being owing on debentures or other like instruments payable thereout.

Repayment of principal moneys from Sinking Fund.

Debentures to rank *pari passu*.

10. All debentures or other instruments issued under the authority of this Law shall rank *pari passu* and without priority.

Council may sell Town Lands,

11. It shall be lawful for the Town Council subject to the operation of the Loan Laws of 1864 and 1866, to sell, and the Town Council shall from time to time sell, by public auction, and transfer to the purchaser or purchasers thereof, so much of the Town Lands mentioned in Clause 4 as may be requisite for the purpose of raising either the whole or part of the funds necessary to meet the requirements of this Law.

Pietermaritzburg Corporation Loan.

12. Whenever the Town Council of the Borough of Pietermaritzburg shall deem it expedient to sell any of the Town Lands under the powers or provisions of this Law, it shall be lawful for such Council to stipulate that any such sales shall be on the terms and conditions of the payment of the purchase prices thereof, either in whole or in part, at such periods, and by such instalments or portions thereof, and at such rate of interest as may from time to time be determined upon by the Council for the time being : Provided that the periods of payment of such purchase prices, or instalments, or portions thereof, shall not extend beyond the period of Fifty years contemplated by this Law for the repayment of the Loan raised hereunder.

and may stipulate for certain conditions.

13. Upon any and every such sales as aforesaid, the respective purchase prices, or any portions, or parts thereof, which, on the grant of transfer of any such land so sold, shall be or remain unpaid, shall, together with the interest to become due thereon, be a first charge on the respective lands and properties so sold, and be secured by preferential mortgage thereon, and shall be further collaterally secured by the respective bonds of the purchasers thereof, bearing even date with the deeds of transfer thereof, for the respective sums so to become payable, and the same shall be so taken, with or without other collateral security, as the said Town Council, on each or any such sale, may deem expedient.

Purchase prices unpaid, how to be secured.

14. All mortgage bonds and other securities granted under the provisions of the 13th Section of this Law shall be duly registered according to law, and shall specify that the same are so granted for the purposes aforesaid, and that the moneys, thereby to be secured are applicable to the repayment of the moneys borrowed by the said Town Council, upon the debentures or securities aforesaid.

Registration of mortgage bonds, &c.

15. All and every the purchasers of any such lands may, at any time during such periods, redeem the said lands from any such bonds, mortgages, and other charges thereon, by payment unto the said Town Council of the respective purchase prices, or balance of purchase prices thereof, with all interest then due or accruing due thereon, and of a further sum equal to one half-year's additional interest as aforesaid, calculated from the respective period of each such respective payments or liquidations as aforesaid.

Redemption of lands from bonds or mortgages.

16. It shall be lawful for the said Town Council of Pietermaritzburg to grant leases under the Municipal Corporations Law, 1872, of any of the Town Lands hypothecated or charged, with payment of debentures, sinking fund, and interest on said debentures raised under this Law, without the consent thereto of the holders of debentures or other securities issued under this Law ; so as upon every such lease there be reserved and made payable during the continuance thereof respectively the best yearly rent that can be had for the same without taking or receiving any sum or sums of money or other consideration for or in respect of any such leases by way of foregift or bonus : And provided that the said Town Council are hereby required to apply the rents thence accruing for any of the purposes authorised by or required under this Law.

Council may lease Town Lands, conditionally.

Pietermaritzburg Corporation Loan.—Townships.

All moneys raised to be applied to the purposes set forth in Schedule.

Commencement and short title of Law.

17. All moneys raised under and by virtue of this Law shall be applied to some or other of the purposes mentioned in the Schedule to this Law, and to those alone.

18. This Law shall be taken to be a public Law, and shall be in force on and after the publication thereof in the *Natal Government Gazette*, and shall be cited as the "City Corporation Loan Law of 1881."

SCHEDULE.

Waterworks.

Public Buildings.

Other Public Works.

Given at Government House, Natal, this 20th day of December, 1881.

By command of His Excellency the Administrator of the Government,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 11, 1881.

Amended by Law 29, 1884, and vide Laws 28, 1884, 28, 1884, 12, 1887, 16, 1887, 22, 1887, 18, 1888, 24, 1888, 22, 1888, 26, 1888.

(Signed) EVELYN WOOD.

To provide for the Establishment and Local Management of Townships.

Preamble.

WHEREAS it is expedient to encourage the Establishment and Local Management of Townships :

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Towns or Villages may be proclaimed Townships under this Law.

1. Any town or village may, at the instance of a certain proportion of the proprietors and occupants of land therein, as hereinafter defined, be proclaimed a Township within the meaning of this Law, in case the boundaries and sub-divisions of such town or village shall first have been laid down in a plan prepared by a Government Surveyor, and filed in the office of the Surveyor-General.

Resident Magistrate to convene public meeting on regulation of ten householders.

2. In case any ten householders resident in any town or village proper to be proclaimed a Township under this Law shall request the Resident Magistrate of the County in which such town or village is situate to convene a public meeting of the proprietors and occupants of land therein, to be held at a stated place within such town or village, and at a stated date and hour, such Resident Magistrate shall convene such meeting for the purpose of deciding whether or no the town or village shall be brought within the provisions of this Law.

Townships.

3. The notice convening such meeting shall be published for a period of at least 14 days in the *Government Gazette*, in one local newspaper, and in some conspicuous place within the town or village.

Notice of meeting, how to be published.

4. No person shall be entitled to vote at such meeting unless he is upon the Electors' Roll for the County, framed under the Charter of Natal, nor unless he possesses in the town or village a qualification entitling him to be upon such Electors' Roll.

Qualification for vote at meeting.

5. If at such meeting under a chairman elected by the meeting, there being no less than ten persons present and entitled to vote thereat, a majority of such persons shall sign a resolution in favour of the establishment of the town or village into a Township under this Law, the Governor of Natal may, in his discretion, with the advice of the Executive Council, proclaim the town or village a Township within the meaning of this Law.

Governor in Council may proclaim town or village a Township, if so resolved at meeting.

6. In case a town or village shall be proclaimed a Township within the meaning of this Law, the proclamation shall set out the boundaries of the Township according to the plan filed in the Surveyor-General's office, and such boundaries may, by proclamation of the Governor, at the instance of the Local Board, be altered from time to time.

Proclamation to set out boundaries of Township.

Boundaries may be altered.

7. Within ten days after the date when a Township shall have been proclaimed under this Law, the Magistrate, and in the first week of the month of May in each succeeding year, the Local Board shall prepare a Town Roll, and shall enter therein the names of all male persons possessing within the Township a qualification entitling them to vote for a Member of the Legislative Council.

Magistrates to frame Town Roll of voters.

8. The Town Roll shall be exhibited for seven days upon a Notice Board, which the Magistrate shall cause to be erected, and which the Local Board when appointed shall maintain.

Town Roll to be exhibited.

9. Within a week after the expiry of the said term of seven days the Magistrate shall hear and determine all appeals in respect of wrong entries in, or omissions from, the Town Roll, and thereupon the Town Roll so settled shall be in force until the new Roll shall have been finally determined, and a certified copy of the Roll shall be lodged with the Chairman of the Local Board.

Magistrate to hear appeals in respect of Town Roll.

10. The persons whose names appear on the Town Roll shall be voters within the meaning of this Law.

Persons on Town Roll to be voters.

11. Within fourteen days from the date when the Town Roll shall have been finally determined, a meeting of the persons whose names are on the Town Roll shall be held for the purpose of electing a Local Board, and such meeting shall be convened, as regards the first meeting by the Magistrate, and as regards subsequent meetings by the Local Board, upon seven clear days' notice given in a local newspaper, and upon the Notice Board of the Township.

Meetings of voters to be held for election of Local Board.

12. At each meeting mentioned in the last preceding clause the voters who shall attend such meeting shall, under a chairman elected by themselves, elect a Local Board of five Members for the twelve months, commencing on the first day of July next, after the date of such meeting : Provided that the first Local Board in each

Voters to elect Local Board of five Members, now seven by Law 39, 1884.

Townships.

case may hold office till the 30th day of June in the next ensuing year.

Election to be
by ballot.

13. Such election as is mentioned in the last preceding clause shall be by ballot from voters who shall be willing to act.

Publication of
names of persons
elected.

14. The names of the persons so elected shall be published by the Local Board in the *Government Gazette*, and by a notice affixed to the Notice Board of the Township.

Meetings of the
Board.

15. Every Local Board shall meet as soon as practicable after election, and shall continue to meet from time to time (not less often than once a month) at such time and place as they shall determine.

In case Member
becomes dis-
qualified, fresh
election.

16. In case any Member of a Local Board shall, without consent of the Board, absent himself from attending at three consecutive meetings of the Board, or shall become insolvent, or assign his estate for the benefit of his creditors, or die, or become incapacitated to act, or shall have any interest, direct or indirect, in any contract with the Board, except as shareholder in an incorporated or registered Company, or as an investor in the debentures of the Board, such Member's seat shall be *ipso facto* vacated, and it shall be the duty of the Board to forthwith call a meeting of the voters for the purpose of electing another Member, and the proceedings shall, *mutatis mutandis*, be the same as hereinbefore provided, and the Member so elected shall continue in office until the next annual election.

Governor may
appoint Members
if others fail to
elect.

17. If the voters of any Township shall at any time fail, neglect, or refuse to elect a Local Board, or to elect a sufficient number of Members to form such Board, or to fill up any vacancy occurring in such Board, it shall be lawful for the Governor, by proclamation, to appoint from among the voters willing to serve, other Members to constitute such Board, or such number of Members as shall, together with any Member or Members duly elected, make up the full number of Members of such Board; and any Board or Members so appointed shall be invested with the same powers, and be in all respects in the same position, as if such Board or such Member or Members had been duly elected by the voters of the Township.

Chairman to be
chosen.

18. At the first meeting of the Local Board, and at the first meeting of every new annual Board, the Members shall elect a chairman from among themselves, who shall preside at the meetings of the Board; and, in the absence of such chairman, the said Members shall elect a chairman for the occasion. The chairman shall be entitled to a vote and to a casting vote.

Officers to be
appointed.

19. The Local Board shall appoint, during pleasure, such fit and proper officers as the Board shall consider necessary for carrying out the purposes of this Law, and shall pay to them such salaries and assign to them such duties as the Board may think fit.

Quorum.

20. Three Members of the Local Board, with or without the chairman, shall form a quorum for the despatch of business.

Questions to be
decided by a
majority of those
present.

21. The proceedings of the meetings of the Local Board shall be public, and all questions coming before the meeting shall be decided by a majority of votes of the Members present, which votes shall be

Townships.

given openly ; provided that Committees of the whole Board may deliberate in private.

22. Minutes of the proceedings of every meeting of the Local Board shall be regularly entered in a book to be kept for that purpose, and shall be read and confirmed at the next succeeding meeting, and be signed by the person presiding thereat.

Minutes to be kept.

23. The Governor shall grant and convey to the Local Board and their successors in office, in trust for the inhabitants and owners of property in any Township, the whole of the unalienated lands destined or reserved for the purposes of any such Township declared to be subject to this Law.

Unalienated Township lands to be vested in the Board in trust for the inhabitants.

24. The Local Board may acquire lands for the purposes of the Township by purchase or by gift, and in cases where lands are now held in trust for the benefit of any Township the trustees may transfer such trust lands to the Local Board, subject to the trusts, and upon conditions not at variance with the trusts.

Board may acquire lands.

25. In cases where the legal title of erven situate within a Township shall vest in the Government of the Colony (such erven not being reserved for public purposes), then the legal title of such erven shall be transferred to the Local Board, any rules or regulations for the alienation of Crown Lands to the contrary notwithstanding.

Legal title of erven to be transferred to Board.

26. Each Local Board is hereby authorised to exercise within its Township each and all of the following powers, viz :—

Powers of Local Board.

- (a) To cause all public streets, roads, and places, being in the lawful control of the Board, to be at all times kept in good and sufficient order and repair : Provided that main trunk roads, and bridges on main trunk roads, shall continue to be upheld by the Government, even though situate within the limits of Townships.
- (b) To make all necessary furrows and water-courses, and to construct works and take lawful measures for supplying water to the inhabitants.
- (c) To make drains, sewers, culverts and bridges.
- (d) To regulate traffic, and to prevent obstructions in thoroughfares and public places.
- (e) To establish and regulate pounds.
- (f) To prevent disease and the spread of disease.
- (g) To provide for removal of night-soil, refuse and filth.
- (h) To prevent burials in unauthorised places.
- (i) To provide for the safe storage of combustibles and explosives, and to prevent the dangerous use thereof.
- (k) To prevent the making of unseemly noises in public places.
- (l) To prevent, or impose restrictions on, the keeping of ferocious or troublesome animals.
- (m) To prevent risk and danger from unsafe buildings.

Townships.

- (n) To maintain the purity of all public water supplies, and to provide for the distribution of public waters.
- (o) To prevent and extinguish fires.
- (p) To impose licenses upon persons making bricks or digging clay, or quarrying stone, or cutting wood, or removing soil on township lands, and to charge reasonable fees or dues therefor.
- (q) To manage and protect all common pasture lands, and to preserve vegetation, and to limit the use by individuals of township lands as commonage.
- (r) To protect all township properties and rights, and to recover compensation for damage done thereto.
- (s) To prevent and abate nuisances, and to preserve the health, promote the comfort, and protect the rights of the inhabitants.
- (t) To maintain a police force, and to ensure the maintenance of peace and order.
- (u) To establish and regulate markets, and to levy reasonable market dues.
- (v) [Repealed.—*Vide* Law 39, 1884, Section 5.]

27. [Repealed.—*Vide* Law 39, 1884, Section 7.]

Board may pass general by-laws.

28. The Local Board may carry out any of the powers hereby conferred upon it by by-laws or regulations passed by the Board and confirmed by the Governor with the advice of the Executive Council.

By-laws to be published before confirmation.

29. No by-laws or regulations shall be submitted for confirmation unless previously posted on the Notice Board for seven days, nor unless published once in a local newspaper and in the *Government Gazette*.

Amendments in by-laws.

30. In case the Governor shall require, and the Local Board shall consent to make, any amendment in any proposed by-law or regulation, such amendment may be made without other publication thereof, prior to confirmation, than a posting of the proposed amendment on the Notice Board for seven days.

By-laws to be published after confirmation.

31. No by-law or regulation shall have effect unless first posted for seven days upon the Notice Board after confirmation by the Governor.

Penalty for contravention of by-laws.

32. Any person contravening any by-law or regulation duly published under the last preceding section shall be liable to pay a fine not exceeding Five Pounds, or in default of payment to be imprisoned, with or without hard labour, for any period not exceeding one month.

Prosecutions, how instituted.

33. All prosecutions for any such contraventions may be instituted before the Magistrate having jurisdiction in the said Township.

Board may appoint prosecutor.

34. The Local Boards are hereby empowered to appoint from time to time any of their officers to prosecute, at his own instance and without obtaining permission from the Attorney-General, in the

Townships.

Magistrate's Court having jurisdiction, for all contraventions of any such regulations.

35. Every Local Board may enter into contracts and employ labour for the purpose of carrying out any work to be done, or for doing anything which such Board is by the provisions of this Law authorised to do.

Board may make contracts, &c.

36. All necessary costs, charges, and expenses incurred in the carrying out of this Law and the Regulations made thereunder may lawfully be paid out of the funds which shall come into the possession and the control of the Board.

Expenses incurred to be paid out of Board's funds.

37. In any action or suit, civil or criminal, which may be instituted by or against any Local Board, it shall be sufficient to describe such Board as "the Board" of the particular Township, without mentioning the names of any members of the Board.

How Board to sue and be sued,

38. The Local Board shall annually frame an estimate of ways and means, and publish the same for seven days in a local newspaper, and affix a copy thereof to the Notice Board, and shall bring the same before a meeting of the voters, together with the proposals of the Board with respect to the rate proposed to be levied for the ensuing rate year, and the rate for the year shall be finally determined by such meeting. The rate year shall be deemed to run from the 1st day of July to the 30th day of June: Provided that as regards the first rate of any Township the rate period may begin at an earlier date than the 1st day of July and may end on the 30th day of June in the next ensuing year; and the rate shall be payable within fourteen days of the date when the same shall be finally determined.

Estimate of ways and means to be published.

Rate proposed for ensuing year.

39. For the purposes of such rate the Local Board shall from time to time cause a valuation to be made of all the immovable property in the Township, and the rate shall be levied upon the immovable property as so valued.

Valuation for rate to be made by Board.

40. [Repealed by Law 39, 1884, Section 12.]

41. [Repealed.—*Vide* Law 39, 1884, Section 13.]

42. Public lands and buildings used for church, school, or other public purposes, shall not be liable to rates.

Exemptions from rates.

43. The rate shall be a charge upon the property the subject thereof, but shall be primarily payable by the person for the time being in occupation of the premises, or failing occupation, then by the proprietor: Provided that an occupant who may pay more than one-twelfth of the rate for a year for each month of his occupation may recover the excess payment from the landlord, whose rights against the prior occupant are hereby reserved to him.

Liability for rates regulated.

44. If the voters of a Township shall refuse or neglect to provide a rate sufficient for the purposes of the rate year, the Supreme Court may, at the instance of the Local Board or of any person interested, cause a rate to be fixed and got in and to be applied by the Local Board under the provisions of this Law.

If sufficient rate not provided by voters, Supreme Court may levy rate.

45. The Local Board may, with the consent of the Governor, and after notice in the *Government Gazette*, raise, by sale by public competition of any town lands within such Township, any sum of money

Board may raise money by sale or exchange of town lands.

Townships.

- Object for which money is raised to be specified. which shall be necessary in order to carry on any public work, and may exchange any portion of the lands of such Township for other lands within such Township, for public purposes : Provided that, in applying for the consent of the Governor to such sale or exchange, the nature of the public work or other purposes for which any sums of money are intended to be raised shall be clearly specified.
- Board may lease town lands. **46.** The Local Board may, with the consent of the Governor, and after notice in the *Government Gazette*, lease by public competition any portion of the town lands within such Township for building purposes for any period not exceeding fifty years, and for any other purposes for any period not exceeding twenty-one years : Provided that all building leases shall, at the option of the Board and without process of law, become void, unless the covenant to build, to be therein contained, shall be fulfilled within the period agreed to by the lease.
- Covenant to build. **47.** All moneys raised by any rate or assessment, or received under any sale, loan, or lease, and all penalties and fines payable under this Law, and all other Township revenue, shall form a fund to be called the Township Fund, which said Fund shall be expended in defraying the cost of all works, and all other expenses properly incurred under this Law.
- Township Fund. **48.** No land situated in any Township under this Law shall be transferred by the Registrar of Deeds until a certificate shall be produced, signed by the chairman of the Local Board, setting forth that all past due rates and rents have been paid and satisfied.
- Vide Law 13, 1887.* **49.** As soon as any Township to which this Law has been made applicable shall be declared a Borough within the meaning of the Law relating to Municipal Corporations, then this Law and any regulations made in pursuance thereof shall continue to apply to such Township only until such Township shall have been proclaimed a Borough, and until Borough regulations shall have been duly enacted.
- Proof of payment of rates and rents to precede transfer. **50.** Whenever the provisions of this Law shall be extended to any Township, the provisions of Law No. 3, 1870, entitled " Law to provide for the Leasing or Exchanging the Lands reserved by Government as sites for Small Towns and Villages within the Colony of Natal," shall thereupon cease to apply and shall not extend to any such Township ; and the said recited Law No. 3, 1870, shall be deemed to be repealed in respect of such Township : Provided that all proceedings which may have been taken under the said recited Law in respect of the lands of such Township shall be valid as if the said Law remained in full force and effect ; and all proceedings which may have been commenced under the said recited Law before the operation hereof may be continued and completed under such Law ; and provided that all the interest of the Government in leases issued under said Law No. 3 of 1870, inclusive of accrued rents, shall be transferred to the Local Board of the Township in which the lands thereby leased are situated.
- This Law only to apply to Township until proclaimed a Borough. **51.** Wherever in this Law the word "Magistrate" is used it shall be construed as applicable to any Justice of the Peace who
- Law 3, 1870, repealed in respect of any Township under this Law. and as to trans-
fer of leases.
- Saving as to acts done, &c.,
- The word "Magistrate," how applicable.

Townships.

may be specially appointed by the Governor of the Colony, with the advice of the Executive Council, for the purposes of this Law, and of the particular Township in or near to which such Justice of the Peace may reside.

52. In case a Local Board shall seek to acquire the legal title of any roads situate within a Township, it shall be competent for the Local Board so to do for the purposes of public roads. In case the person in whom such legal title shall vest shall be prejudicially affected by the acquisition by the Local Board of such legal title, the compensation to be paid to him if less than £100 shall be decided by the Resident Magistrate of the County in which the Township may be situated, otherwise by the Supreme Court.

Board may
acquire roads
in Township.

Compensation,
how decided.

53. All expenses incurred by the Resident Magistrate under the provisions of this Law shall be borne by the Local Board when appointed.

Resident
Magistrate
indemnified.

54. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement
of this Law.

SCHEDULE.

WINE AND SPIRIT LICENSES.

						Not exceeding per annum.		
						£	s.	d.
Wholesale	...	...	...	...	...	20	0	0
Retail	...	...	...	...	...	20	0	0
Wholesale and Retail (combined)	...	...	...	...	...	80	0	0
Each Transfer of License to another person	...	...	...	...	...	1	0	0
"	"	"	temporarily to another place	...	...	1	0	0
"	at per diem	...	...	...	...	1	0	0

Given at Government House, Natal, this 20th day of
December, 1881.

By command of His Excellency the Administrator of the
Government,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 12, 1881.

(Signed) EVELYN WOOD.

To amend Law No. 22, 1876, entitled "Law to provide for the Appropriation for Public Purposes of certain Lands reserved as Villages or Townships."

WHEREAS by Law 22, 1876, the Governor is empowered to
resume possession of certain lands for the purpose of their occupa-
tion by European Immigrants :

Preamble.

Immigration.

And whereas the lands included in the Township of South Shepstone, mentioned in the Schedule to the said Law, No. 22, 1876, have not been so resumed :

And whereas it is expedient that the said Township of South Shepstone should be excluded from the operation of the said Law, No. 22, 1876 :

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

So much of
Schedule to Law
22, 1876, as re-
lates to Town-
ship of South
Shepstone, re-
pealed.

Commencement
of Law.

1. So much of the Schedule to the said Law No. 22, 1876, as relates to the said Township of South Shepstone shall be, and the same is hereby, repealed ; and the said Township of South Shepstone shall be, and is hereby, excluded from the operation of the said Law No. 22, 1876.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 20th day of December, 1881.

By command of His Excellency the Administrator of the Government,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 13, 1881.

(Signed) EVELYN WOOD.

To amend and extend the provisions of Law No. 21, 1876, entitled Law "To provide for the Establishment of a Land and Immigration Board."

Preamble.

WHEREAS it is expedient to amend and extend the provisions of the Law No. 21, 1876, entitled "Law to provide for the establishment of a Land and Immigration Board," so as to make the said Law applicable to persons of European descent other than Immigrants brought into this Colony from Europe :

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Interpretation
of expression
"European
Immigrants"
in Law No. 21,
1876.

1. Wherever in the Law No. 21, 1876, there may occur the words "European Immigrants," the said words shall mean, and be taken to mean, any persons of European descent who shall have been approved by the Land and Immigration Board established under the said Law, and who may have settled, or may have entered the Colony with the intention of settling, upon any of the Lands at the disposal of the said Board. In the interpretation of the expression, "European Immigrants," it shall be immaterial

Immigration.—Diseased Plants.

whether the persons so referred to shall have emigrated from the United Kingdom, or from the Continent of Europe, or from any other place whatsoever.

2. The words "European Immigration," whenever they may occur in the said Law No. 21, 1876, shall mean and be taken to refer to and include all persons of the description in the first section of this Law mentioned.

Interpretation of expression "European Immigration" in Law No. 21, 1876.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 20th day of December, 1881.

By command of His Excellency the Administrator of the Government,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 14, 1881.

(Signed) EVELYN WOOD.

To amend and extend the provisions of Law No. 6, 1871, entitled "Law for facilitating the Apprehension of certain Offenders escaping to this Colony from any Place within the Territories or Dominions of the Republic of the Orange Free State."

Repealed by Law 18, 1882.

LAW No. 15, 1881.

(Signed) EVELYN WOOD.

To Regulate the introduction into this Colony of Plants or Cuttings which, by reason of Disease, or otherwise, might be injurious to the interests thereof.

WHEREAS it is expedient to prohibit, or to regulate under certain conditions, the introduction into this Colony of any Plants or Cuttings which are either affected with some disease which it would be prejudicial to this Colony to be allowed to be introduced, or come from places where any such disease affecting them exists, or is supposed to exist:

Preamble.

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall and may be lawful for the Governor, from time to time, and at any time by and with the advice of the Executive Council, to prohibit absolutely the introduction into this Colony of any Plants or Cuttings, which are either actually affected with some

Governor in Council may prohibit introduction of plants, &c.

Diseased Plants.

Penalty.

disease which it would be prejudicial to this Colony to be introduced, or which come from places where any such disease exists, or is supposed to exist. Such prohibition shall be published by Proclamation in the *Natal Government Gazette*. From and after the publication of any such Proclamation any person who shall introduce into this Colony any of the articles or things, the introduction of which is prohibited in such Proclamation, shall be liable to a penalty not exceeding Twenty Pounds, or, in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding six weeks, unless such penalty be sooner paid.

Governor in Council may frame and issue rules.

2. The Governor may, from time to time, and at any time, with the advice of the Executive Council, frame and issue, by Proclamation in the *Natal Government Gazette*, such Rules and Regulations as he may deem necessary, concerning the introduction of any such articles or things as in the preceding section mentioned.

Governor in Council may revoke or alter Proclamation and impose penalties.

3. It shall and may be lawful for the Governor in Council, from time to time, to revoke, alter, or vary any such Proclamation as aforesaid; and also, in and by any such Proclamation, as aforesaid, to provide that any person wilfully contravening the Rules and Regulations so published, shall be liable to a penalty not exceeding Twenty Pounds, and, in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding six weeks, unless such penalty be sooner paid.

Offences, how to be prosecuted.

4. All contraventions of the provisions of any such Proclamation, as aforesaid, shall be prosecuted by or at the instance of the Attorney-General, at the suit of the Queen, in the usual manner, before the Supreme Court or any Circuit Court, or by a Clerk of the Peace before a Magistrate's Court.

Appropriation of penalties.

5. All fines imposed by this Law, or by any Proclamation issued thereunder, shall be paid to Her Majesty the Queen, Her Heirs and Successors, for the public uses of the Colony: Provided that the Court may, in any case, award to be paid any portion, not exceeding one-half, to any person who shall have given such information as shall have led to the detection or conviction of the offender in such case.

Commencement of Law.

6. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 20th day of December, 1881.

By command of His Excellency the Administrator of the Government,

(Signed) C. B. H. MITCHELL,

Colonial Secretary.

Indian Immigrants.

LAW No. 16, 1881.

(Signed). EVELYN WOOD.

To relieve the Employers of Free Indian Immigrants from certain charges imposed by Law.

WHEREAS it has been found impossible to secure the uniform Preamble.
 payment by all classes of employers of the charges imposed by Law
 12, 1872, Section 19, amended by Law 19, 1874, Section 3, and
 Law 18, 1878 :

And whereas it has been deemed expedient to abolish the said
 charges :

Be it therefore enacted by the Administrator of the Government of
 Natal, with the advice and consent of the Legislative Council thereof,
 as follows :—

1. Sections 19 and 20 of the Law No. 12, 1872, entitled Repeal of Sections 19 and 20, Law 12, 1872 ; Section 3, Law 19, 1874 ; and Law 18, 1878.
 “ Law to amend the Coolie Consolidation Law, 1869 ; ” Section 3
 of the Law No. 19, 1874, entitled “ Law to amend Laws No. 12,
 1872, and No. 2, 1870 ; ” and the whole of the Law No. 18, 1878,
 entitled “ Law to Exempt the Employers of Indian Immigrants
 who shall have completed a Ten Years’ Residence in Natal, from
 payment of certain Charges imposed by Law 12, 1872, Section 19,”
 shall be, and the same are hereby, repealed : Provided, however, Saving.
 that this repeal shall not effect any right, privilege, obligation, penalty,
 or liability acquired, accrued, or incurred under any enactment hereby
 repealed, or any legal proceeding, or remedy in respect of any such
 right, privilege, obligation, penalty, or liability as aforesaid. Any
 such legal proceeding or remedy may be carried on as if this Law
 had not been passed.

2. This Law shall commence and take effect from and after the Commencement of Law.
 promulgation thereof in the *Natal Government Gazette*

Given at Government House, Natal, this 20th day of
 December, 1881.

By command of His Excellency the Administrator of the
 Government,

(Signed) C. B. H. MITCHELL,
 Colonial Secretary.

Banks Statements.

LAW No. 17, 1881.

(Signed) EVELYN WOOD.

To repeal and re-enact with certain amendments Law No. 27, 1880, entitled Law "To repeal and re-enact with certain amendments Law No. 24, 1875, entitled Law 'To repeal and re-enact with certain amendments Law No. 9, 1862, entitled Law 'To enable the Lieutenant-Governor of the Colony of Natal to appoint Courts or Tribunals to enquire into charges of incompetency or misconduct of Masters or Mates of Ships, or to enquire into Shipwrecks or other casualties affecting Ships.'"

Repealed by Law 10, 1883.

LAW No. 18, 1881.

(Signed) EVELYN WOOD.

To provide for the Periodical Publication of Statements shewing the Assets and Liabilities of Joint-Stock Companies trading as Bankers in this Colony.

Preamble.

WHEREAS it is expedient that statements of the Assets and Liabilities of Joint-Stock Companies trading as Bankers in this Colony should be periodically published for general information :

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Half-yearly statements of assets and liabilities to be published.

1. From and after the coming into effect of this Law every Joint-Stock Company trading as Bankers in this Colony and being a Bank of Issue shall publish or cause to be published half-yearly statements of its assets and its liabilities.

Mode of framing statements.

2. The half-yearly statements aforesaid shall be so framed as to show the assets and liabilities of every such Bank as the same shall stand at the close of each of the days following, that is to say, the Thirtieth day of June and the Thirty-first day of December in each year : Provided that in case either of the said days shall fall upon a Sunday or a Public Holiday, then the statement shall show the assets and liabilities of every such Bank as they stood on the day next preceding such day.

Date when statement shall be published.

3. Every such statement shall be published not later than twenty-one days next after the day to which such statement relates.

Statement of Banks commencing business after

4. Whenever, after the coming into effect of this Law, any Joint-Stock Company shall commence business as Bankers in this Colony, such Company shall not be bound to publish any statement under this

Banks Statements.

Law for or in respect of that one of the days in the second section mentioned which shall next ensue after an office or place of business for the transaction of the business of such Company shall have been opened in this Colony, but such Company shall be bound to publish a statement for or in respect of every succeeding day, as in the second section mentioned, in the same manner as if such Bank had been in existence at the time of the coming into effect of this Law.

coming into effect of this Law, when to commence.

5. Every such statement as aforesaid shall be published in the *Natal Government Gazette*.

Mode of publication of statements.

6. Every Bank and every Branch Bank, within this Colony, shall publish its statements in like manner as though it were a separate and independent Bank; and the statements of every Bank or Branch Bank shall be published as aforesaid, and shall be signed by the Manager or Cashier thereof, and by the Officer, if any, who shall be or act as the Accountant of such Bank.

Publication and signature of statements by Banks and Branch Banks in the Colony.

7. Any Director, Manager, or other Officer of any Bank who shall sign any statement so published as aforesaid, or who shall permit any such statement to be published containing any item or particular which such Director, Manager, or other Officer, shall know to be false or erroneous, shall upon conviction be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

Penalty for false statement.

8. All contraventions of the provisions of the foregoing Section of this Law shall be prosecuted by indictment by the Attorney-General, at the suit of the Queen, in the usual manner, before the Supreme Court, or before any Circuit Court having jurisdiction in the place in which the Bank to which such false or erroneous statement relates shall be situated.

Offences, how prosecuted.

9. If any Bank shall fail to publish within the time specified in this Law any statement by this Law required to be published, then such Bank shall pay to the Public Treasury the sum of Twenty Pounds sterling for every day, after the last day prescribed for such publication, during which such statement shall remain unpublished. Any sum so forfeited may be sued for and recovered, by civil process, before the Supreme Court of the Colony of Natal, or before any Circuit Court having jurisdiction in the place in which such Bank in default shall have its office or place of business: Provided that it shall be lawful for the Governor, upon the application of any such Bank so in default, and upon proof to his satisfaction that such default was not wilful, to remit or reduce the sum to be paid by such Bank.

Penalty for failure to publish statement.

Penalty, how to be recovered.

Governor may reduce penalty.

10. The production of the *Government Gazette* containing any such statement as aforesaid shall be *prima facie* proof that the Officer or Officers, or the Manager or Officer or Officers whose names are attached to such statement, signed the same in order to the publication thereof for the purposes of this Law.

Gazette to be proof of publication of statement.

*Banks Statements.*Form of state-
ment.

11. Every such statement as aforesaid, shall be, in substance, as follows :—

THE BANK OF———.

Statement of Liabilities and Assets of

The ——— Branch, of the ——— on the ———, 18 ———.

LIABILITIES.			ASSETS.		
	£	s. d.		£	s. d.
To Subscribed Capital ...			By Coin in Bank Coffers ...		
To Paid-up Capital ...			By Drafts on Colonial Treas- ury ...		
To Reserve Fund ...			By Notes on hand of other Banks and Branches ...		
To Circulation, viz.,			By Cheques on other Banks and Branches ...		
Notes outstanding this day ...			By Bills of Exchange on hand ...		
Post Bills ...			By Balance due by other Branches ...		
To Bills Payable ...			By Balance due by other Banks ...		
To Deposits, viz.,			By Bills and Notes under Discount and not yet due		
Fixed ...			By Bills and Notes overdue and unpaid ...		
Floating ...			By ditto (Specially Secured)		
Due to other Banks ...			By Accounts covered by pro- duce and other Securities		
To Balances due to London Office and Branches ...			By Loans to Public Bodies		
To Bills received for Col- lection ...			By Accounts Overdrawn ...		
			By Bank Premises ...		
			By Stationery, Furniture, and Stamps ...		
			By Bills receivable (as per Contra) ...		
Total Liabilities ...			Total Assets ...		

We certify that we have examined the above statement, and find it true and correct.

— Manager.

— Accountant.

188 .

Commencement
and short title of
Law.

12. This Law shall be in operation from such date as the Governor shall fix and determine by Proclamation in the *Natal Government Gazette*, and may be cited for all purposes as "The Banks Statements Law, 1881."

Given at Government House, Natal, this 20th day of December, 1881.

By command of His Excellency the Administrator of the Government,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Marriage Officers.

LAW No. 19, 1881.

(Signed) EVELYN WOOD.

To provide for the appointment of Marriage Officers for the Solemnization of Marriages of persons professing the Jewish faith, and of persons professing the Mohammedan faith.

WHEREAS it is expedient to afford additional facilities for the contracting of valid marriages by persons professing the Jewish faith and by persons professing the Mohammedan faith :

Preamble.

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. It shall be lawful for the Governor, from time to time, and in the manner and form as in the twelfth section of the Order of Her Majesty the Queen in Council, dated the 7th day of September, 1888, to appoint Marriage Officers for the solemnization of marriages of persons professing the Jewish faith, and of persons professing the Mohammedan faith : Provided, that no marriage solemnized by any such Marriage Officer shall be invalidated or impeached by reason that neither of the married parties belonged, or was reputed to belong, to the class or denomination for which such Marriage Officer was appointed.

Governor may appoint marriage officers for Jews and Mohammedans.

2. The Ordinance No. 17, 1846, entitled " Ordinance to amend the Law regarding Marriages within the District of Natal " ; the Law No. 2, 1876, entitled Law " To provide for the signing of Marriage Licenses," and this Law, shall be read together and construed as one Law.

Ordinance 17, 1846, and Law 2, 1876, to be construed together with this Law.

3. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 20th day of December, 1881.

By command of His Excellency the Administrator of the Government,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 20, 1881.

(Signed) EVELYN WOOD.

To repeal and re-enact with amendments the Law No. 8 of 1880, entitled a Law " To amend the Law No. 16, 1877, so far as regards the election of Bursaries in the High Schools of Pietermaritzburg and Durban."

Repealed by Law 3, 1886.

Railway Extension.

LAW No. 1, 1882.

(Signed) C. B. H. MITCHELL.

To amend the Law No. 1, 1881, entitled "The Natal Government Railway Extension Law, 1880."

WHEREAS the Governor of the Colony of Natal is, under the provisions of the "Natal Government Railway Extension Law, 1880," authorised to enter into a contract for the construction, up to formation level, of the works required for the Extension Railway, authorised by the said Law, including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion :

And whereas it is enacted by the said "Natal Government Railway Extension Law, 1880," that any contract or contracts so made and entered into shall be subject to the confirmation thereof by the Legislature of Natal. If such confirmation shall not be given within six calendar months from the date thereof, then at the expiration of such six months everything therein contained shall be void and of no effect. Notice in writing of confirmation having been given or withheld, as the case may be, shall be given to the contractor or contractors as soon as may be :

And whereas certain tenders for the construction of the said works, and for other purposes above-mentioned, have been received by the Crown Agents for the Colonies, and have, by the direction of the Right Honourable Her Majesty's Secretary of State for the Colonies, been laid before the Legislative Council of Natal, with the object and for the purpose that the said Legislative Council should recommend some one of the said tenders for acceptance by the said Crown Agents, acting for and on behalf of the Governor of Natal :

And whereas the Legislative Council of the Colony have, by resolution passed on the second day of March, 1882, recommended that the tender of James Perry should be accepted by the Crown Agents for the Colonies, for and on behalf of the Governor of Natal, for the construction and maintenance of the said line of railway from Pietermaritzburg to Ladysmith :

And whereas it is desirable to give immediate effect to, and to empower the Crown Agents to execute and conclude the said contract as recommended by the Legislative Council of Natal :

And whereas it is also desirable that the Crown Agents for the Colonies should be authorised to enter into final and complete contracts for other purposes required for the said Railway Extension, as

Railway Extension.

set forth in the seventh section of the said "Natal Government Railway Extension Law, 1880," as follows :—

2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.

3rd. For the provision and erection of all Stations, Station works, and works accessory thereto.

And whereas it is necessary, for the above purposes, to repeal certain portions of the said "Natal Government Railway Extension Law, 1880 :"

Be it therefore enacted by the Administrator of the Government of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The portion of the fourteenth section of the "Natal Government Railway Extension Law, 1880," set forth hereunder, that is to say, the following words :—"Any contract or contracts so made and entered into shall be subject to the confirmation thereof by the Legislature of Natal. If such confirmation shall not be given within six calendar months from the date thereof, then at the expiration of such six months everything therein contained shall be void and of no effect. Notice in writing of confirmation having been given or withheld, as the case may be, shall be given to the contractor or contractors as soon as may be,"—shall be and the same is hereby repealed ; and save so far as in conflict with this Law, the said "Natal Government Railway Extension Law, 1880," shall be deemed to be in full force and effect.

Section 14, Law 1, 1881, repealed in part.

2. The contract which the Crown Agents are, under this Law, empowered to enter into and conclude, shall be taken and deemed to be a contract entered into and concluded under the said "Natal Government Railway Extension Law, 1880," but subject to such alterations, modifications, and amendments therein as may be mutually agreed upon between the Consulting Engineer and the contractors, in compliance with resolutions passed by the Legislative Council.

Contract under this Law deemed to be a contract under Law 1, 1881, subject to alterations, &c., mutually agreed upon.

3. The Crown Agents for the Colonies may accept, on behalf of the Governor of Natal, the tender of the said James Perry, and may make, enter into and conclude, on behalf of the Governor of Natal, any contract or contracts with the said James Perry for the due performance of the works so tendered for, in accordance with the terms and conditions of the tender so accepted, but altered or amended as in the last preceding Clause provided : Provided that in the event of no such contract being entered into with the said James Perry, the Crown Agents for the Colonies may make, enter into, and conclude any contract or contracts with any other persons who may be named by the Legislative Council, and according to any resolution passed by that body.

Crown Agents may accept tender of James Perry, and may make contracts with him.

Proviso as to power to make contracts with other persons named by Legislative Council.

Railway Extension.

Crown Agents may make contracts with James Perry, or other persons named by Legislative Council, for execution of works additional to tender, and for extension of Railway into Ladysmith.

Proviso as to terms of contract and prices for works.

Commencement and short title of Law,

4. The said Crown Agents for the Colonies, acting on behalf of the Governor of Natal, may make, enter into and conclude with the said James Perry, or such other person as provided in Clause 3 of this Law, a final contract or contracts for the execution of the works referred to in Section 7, subsections 2 and 3, of the said "Natal Government Railway Extension Law, 1880," and set forth in the Schedule to this Law; and also a Contract for the performance of the works necessary for the Extension of the Line of Railway into the town of Ladysmith: Provided that no such contract shall contain anything repugnant to the terms and conditions of the contract hereinbefore referred to: Provided further, that the prices to be paid for works executed under any such final contract or contracts shall not exceed the prices set forth in the Schedule to this Law, that is to say, the sum of £358,757 in all.

5. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and may be cited for all purposes as the "Natal Railway Extension Law Amendment Law, 1882."

THE SCHEDULE.

Schedule.

ESTIMATE OF COST OF WORKS ADDITIONAL TO CONTRACT :—

Iron Bridgework	}			
Permanent Way Materials				
Switches and Crossings				
Fencing Materials				
Stations		56,077	0	0
Cost of Extension into Town of				
Ladysmith		24,400	0	0
Total		£358,757	0	0

Given at Government House, Natal, this 2nd day of March, 1882.

By command of His Excellency the Administrator of the Government,

(Signed) F. S. HADEN,

Assistant Colonial Secretary,

For Colonial Secretary.

Quarantine.

LAW No. 2, 1882.

(Signed) HENRY BULWER.

To confer upon the Natal Harbour Board certain powers in relation to Quarantine.

WHEREAS it is expedient to confer upon the Natal Harbour Board, constituted under Law No. 29, 1880, certain of the powers vested in the Lieutenant-Governor and the Lieutenant-Governor in Council under the provisions of the Law No. 3, 1858, entitled "Law to amend the Law relating to Quarantine:"

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The following powers and authorities vested by Law 3, 1858, Section 13, in the Lieutenant-Governor of this Colony, are hereby declared to be conferred on and to be exerciseable by the Natal Harbour Board, that is to say:—

Powers vested in Governor by Law 3, 1858, Sec. 13, conferred on Natal Harbour Board.

- (a) Power to give directions through the Health Officer, or other competent officer acting for him, to place vessels, persons, letters, or merchandise in quarantine, under the circumstances set forth in Section 13, Law No. 3, 1858, and to shorten or mitigate such quarantine, and to release from quarantine such vessels, persons, letters, or merchandise:

Provided always, that whenever the grounds for imposing such quarantine shall be that the vessel subjected thereto has arrived from some infected port, no such quarantine shall be imposed by the Natal Harbour Board without the consent of the Governor first had and obtained.

2. The following powers and authorities vested by Law 3, 1858, Section 17, in the Lieutenant-Governor in Council, are hereby declared to be conferred on and to be exerciseable by the Natal Harbour Board, that is to say:—

Powers vested in Governor by Law 3, 1858, Sec. 17, conferred on Natal Harbour Board.

- (a) Power to appoint stations and to declare the boundaries thereof, and to direct lazarets to be constructed and maintained, on lands within the jurisdiction of the Harbour Board; to make, subject to the approval of the Governor, regulations respecting the placing of vessels in quarantine, and to appoint all officers necessary for carrying such regulations into effect.

Vide Law 4, 1883.

3. The Health Officer shall carry out the instructions of the Natal Harbour Board, under the powers hereby conferred on the said Board.

Health Officer to carry out instructions of Harbour Board.

4. The words "Port Captain," where used in the said Law 3 of 1858, shall be construed to mean the Port Captain, or other Officer acting under the orders of the Natal Harbour Board.

"Port Captain."

5. The Law No. 3, 1858, in so far as it is repugnant to this Law, shall be and the same is hereby repealed.

Law No. 3, 1858, repealed so far as it is repugnant to this Law

Quarantine.—Vaccination.

Commencement
of this Law.

6. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall continue in force until the 31st day of December, 1884, unless sooner repealed.

Given at Government House, Natal, this 21st day of August, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 3, 1882.

(Signed) HENRY BULWER.

Amended by Law
10, 1886.

To make provision for, and render compulsory, the practice of Vaccination within the Colony of Natal.

Preamble.

WHEREAS it is expedient, with a view to the public health and safety, to provide means for and render compulsory the practice of Vaccination within the Colony of Natal :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Short title and
commencement
of this Law.

1. This Law may be cited for all purposes as the “Vaccination Law, 1882 ;” and this Law shall commence and take effect from such date as the Governor shall, by Proclamation in the *Natal Government Gazette*, fix and determine for such commencement.

Interpretation
of terms.

2. In this Law, the term “parent” shall include the father and mother of an illegitimate child, or any person having the custody of a child ; “medical practitioner” shall mean any physician or surgeon duly licensed to practise by the Government of this Colony, and medical officers of Her Majesty’s land and sea forces practising in this Colony ; “child” shall mean any person under the age of sixteen years, who shall be under the custody of a parent ; the term “unvaccinated” shall be applicable to any person who shall have undergone the operation of Vaccination, but upon whom such operation shall have been unsuccessfully performed ; “native” shall mean any person of or belonging to the Native tribes of this Colony or of adjacent territories.

Penalty for wil-
fully producing
small-pox.

3. Any person who, after the commencement of this Law, shall produce or attempt to produce in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully, by any other means whatsoever, produce the disease of small-pox in any person, shall be liable to be proceeded against summarily, and, upon conviction, to be imprisoned for any term not exceeding three months,

Vaccination.

4. All prosecutions under this Law shall take place in the Court of any Resident Magistrate having jurisdiction, at the instance of the Clerk of the Peace of the County or his duly appointed deputy.

Prosecution of offences.

5. All penalties incurred under this Law shall be paid to Her Majesty the Queen, her heirs and successors, and, unless remitted, shall be applied to the uses of the Government of this Colony.

Appropriation of penalties.

6. Every unvaccinated person living in this Colony at the date of the commencement of this Law, and every child born after such date, shall within three months after such date or birth, as the case may be, be vaccinated. Such vaccination shall be performed in the manner set forth hereunder.

Unvaccinated persons and children to be vaccinated.

7. There shall be a central Vaccine Board at Pietermaritzburg, consisting of not less than five persons, three of whom shall form a quorum. The members of the Board shall be nominated and removable at pleasure by the Governor. All District Vaccinators hereinafter mentioned shall be subject to the orders and conform to the instructions of the said Board in all matters relating to their office, in accordance with the provisions of this Law.

Appointment of Central Vaccine Board.

8. The said Board shall, from time to time and at all times, procure and preserve a due and sufficient supply of vaccine lymph, and shall furnish the same, without charge, to the District Vaccinators.

Board to procure and preserve lymph, and distribute same gratis.

9. The District Surgeon of each County or Division of the Colony shall be *ex officio* the District Vaccinator for such respective County or Division: Provided that the Governor may from time to time by Proclamation subdivide any County or Division into two or more Vaccination Districts, which Districts shall be distinguished by a progressive number, the District within which the District Surgeon shall be District Vaccinator being distinguished as District No. 1.

District Vaccinators.

10. The Governor may by Proclamation define the respective limits of such Districts, thereafter alter or abolish the same, and appoint one or more additional District Vaccinators within every such District, and remove the same at any time at pleasure.

Governor may proclaim districts, and may appoint and remove additional District Vaccinators.

11. No person shall be appointed a District Vaccinator who shall not be a duly qualified medical practitioner under the Laws of this Colony: Provided always that the Resident Magistrate of each County or Division shall be authorised to recommend to the consideration of the Central Vaccine Department such person or persons resident in his County or Division as he may consider competent to execute the duties of District Vaccinator within such County or Division, and that upon such recommendation the Central Vaccine Board may appoint any or all of such persons so recommended to be and to be considered District Vaccinators under this Law, and all such appointments shall be notified for public information in the *Government Gazette*.

Qualification of District Vaccinator.

12. The Field-Cornet in every Ward, or other such officer as the Governor may from time to time appoint, shall assist the District Vaccinators in carrying out the provisions of this Law, and shall from time to time furnish such officers with lists of the inhabitants

Duties of Field Cornet under this Law.

Vaccination.

of any such Ward, and shall notify to such inhabitants the provisions of this Law, and the manner in which the same are to be carried out.

Governor may appoint Registrars of Vaccination, and may make rules.

13. The Governor may appoint one or more fit and proper persons to be Registrars of Vaccination in each district in which there may be a District Vaccinator, and may from time to time make and revise rules for the guidance of such Registrars of Vaccination.

Attendance of District Vaccinator.

14. The Central Board may provide in districts where the population is scanty or scattered, or where some peculiar circumstances may render it expedient for them to do so, for the attendance of the District Vaccinator at certain appointed places, at such intervals as they may deem expedient; and if by reason of such intervals the vaccination of any person cannot be performed within the respective periods herein prescribed, no person who would otherwise be liable shall be liable to any penalty in respect of a neglect to undergo or procure the vaccination during any such period; but every such person shall be bound to undergo or procure such vaccination at the time and place so appointed before the commencement of the next interval, unless it be otherwise performed by a medical practitioner as hereinafter provided, or unless the subject for Vaccination shall be certified to be in an unfit state for or unsusceptible of Vaccination.

Vaccination Registrar to give notice requiring persons to be vaccinated.

Procedure in case of child born after commencement of Law.

15. As soon as may be after the commencement of this Law, notice shall be given by the Vaccination Registrar, according to the form in Schedule A, to every unvaccinated person, or if a child to the parent of such unvaccinated person, requiring such person or child to be vaccinated according to the provisions of this Law. In the case of a child born after the commencement of this Law, such notice shall be transmitted by the Registrar of Births and Deaths, within seven days after the registration of the birth of the child, to the parent or person reporting the birth of such child, if known to the Registrar, according to the form in Schedule B. Every such notice shall have attached to it copies of forms according to those in the Schedule hereto marked C, D, and E, and also the address of the Vaccination Registrar or Registrar of Births, as the case may be, giving such notice.

Persons referred to in notice to attend before District Vaccinator, or be otherwise vaccinated.

District Vaccinator to vaccinate persons attending.

16. Every person referred to in such notice aforesaid shall attend before the District Vaccinator of the Vaccination District in which he shall reside, or, if a child, he shall be taken by his parent to such District Vaccinator, to be vaccinated, or shall within such period as aforesaid be vaccinated by some qualified medical practitioner; and the District Vaccinator to whom such person shall come or such child shall be brought, is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such person or child.

Inspection of vaccinated person in following week.

17. Upon the same day in the following week, as near as may be, every such person shall again attend before the District Vaccinator, or, if a child, shall be brought to the District Vaccinator by his parent, in order that the District Vaccinator may ascertain

Vaccination.

the result of the operation, and, if he see fit, take from such person or child lymph for the performance of other vaccinations; and, in the event of such vaccination being unsuccessful, such person or child shall, if the Vaccinator so direct, be again forthwith vaccinated, and thereafter inspected as on the previous occasion.

District Vaccinator may take lymph.
If former operation unsuccessful, person to be again vaccinated

18. If any District Vaccinator or medical practitioner shall be of opinion that any person or child attending before him, or brought to him for the purpose of vaccination, is not in a fit and proper state to be successfully vaccinated, he shall forthwith deliver to such, person (or if a child, to the parent) a certificate under his hand, according to the form in the Schedule hereto annexed marked C., or to the like effect, that such person or child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, and shall be renewable for successive periods of two months until a District Vaccinator or medical practitioner shall deem the person or child to be in a fit state for successful vaccination, and then the person or child shall with all reasonable despatch be vaccinated, and the certificate of successful vaccination, as set forth in Schedule E., duly given, if warranted by the result.

Procedure in case of persons unsuccessfully vaccinated.

19. At or before the end of each successive period, every such person shall again attend before the District Vaccinator (or, if a child, shall be taken by his parent to the District Vaccinator) or shall attend before or be taken to, as the case may be, some medical practitioner, who shall then examine the person or child, and give the certificate necessary according to the said form C, so long as he deems requisite under the circumstances of the case.

Further proceedings.

20. If any District Vaccinator or medical practitioner shall find that any person or child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that any person or child has already had the small-pox, he shall deliver to such person, or to the parent of such child, as the case may be, a certificate under his hand according to the form in the Schedule hereunto annexed marked D, or to the like effect, and no such person or child shall thenceforth require to be vaccinated.

Procedure in case of person insusceptible of successful vaccination.

21. Every District Vaccinator who shall have performed the operation of vaccination upon any person or child, and shall have ascertained that the same has been successful, shall, within twenty-one days from the performance of the operation, transmit, by post or otherwise, a certificate according to the form E in the Schedule, or to the like effect, certifying that the said person or child has been successfully vaccinated. Such certificate shall, in the case of a person or child born prior to the commencement of this Law, be forwarded to the Vaccination Registrar appointed for the vaccination district in which such vaccination shall have taken place. In the case of a child born after the commencement of this Law, the certificate shall be transmitted to the Registrar of Births and Deaths in the district within which the birth was registered; but if such district be not known to him, or if the birth of the child shall not have been registered, then such certificate shall be sent to the

Certificate of successful vaccination, how to be transmitted.

Vaccination.

Registrar of Births and Deaths within whose district the operation shall have been performed.

Person or parent of child, successfully vaccinated entitled to duplicate certificate.

22. Every person, or the parent of any child, successfully vaccinated, shall be entitled to receive from the District Vaccinator performing the operation, upon request, a duplicate of any certificate granted in terms of the preceding section.

Procedure in case of successful vaccination performed by a vaccinator other than a District Vaccinator.

23. When the operation of vaccination shall be successfully performed by a medical practitioner, not being a District Vaccinator, the person vaccinated (or, if a child, the parent of such child) shall obtain a certificate according to the form marked E, from such medical practitioner to be filled up and signed by him; and such person or parent of a child shall, within twenty-one days after the performance of the operation, transmit the certificate so signed, by post or otherwise, to the Registrar of Vaccinations within the district wherein such operation was performed. But if the subject of the certificate be a child born after the commencement of this Law, then every such certificate shall be transmitted by the parent of such child, in manner aforesaid, to the Registrar of Births of the District where the birth of such child was registered; and if the birth of such child shall not have been registered, or if the District of registration be not known to the parent of such child, then such certificate shall be transferred to the Registrar of Births of the District in which the operation shall have been performed.

Penalty for default in transmitting certificate and for signing false certificate, &c.

24. Every District Vaccinator, parent, or person, as the case shall require, who shall neglect to transmit any certificate required to be transmitted by him under the provisions hereinbefore contained, completely filled up and legibly written, to the proper officer within the time herein specified, and every District Vaccinator who shall refuse to deliver the duplicate to any such person, on request, and every medical practitioner who shall refuse to fill up and sign the certificate of successful vaccination when requested from him as hereinbefore provided, shall be liable to pay, on summary conviction, a penalty not exceeding Five Pounds sterling; and every person who shall wilfully sign a false certificate shall be guilty of the crime of falsity, and shall be punishable accordingly.

Fees payable to District Vaccinator.

25. It shall be lawful for the Colonial Treasurer, from time to time, to pay any District Vaccinator a fee of two shillings and sixpence for every successful case of vaccination reported to the Registrar or other officer as hereinafter provided, on the certificate of the said Registrar or other officer. When ordered by the Central Vaccine Board to attend at any station for the purposes of vaccination, any District Vaccinator will be entitled to and receive the ordinary travelling expenses payable to District Surgeons.

Travelling expenses.

Cases in which no fee shall be charged.

26. No fee or remuneration shall be charged by the District Vaccinator to any person for any certificate given under this Law, nor for any vaccination done thereunder; nor shall he be entitled to payment under this Law for any vaccination in respect of which he shall have been paid by the person for whom or on whom it was performed; and if he shall have received payment under this Law he shall not be entitled to receive payment from any other person.

Vaccination.

27. When a District shall have been assigned to a Vaccinator, he shall not be entitled to be paid a fee in respect of any person residing out of his district, except in the case of a vacancy in the Office of District Vaccinator in any adjoining District, or the default of the Vaccinator therein, of which default notice shall have been given to him in writing by the Central Board.

Districts within which fees payable.

28. In any prosecution for neglecting to undergo vaccination or to procure the vaccination of any child, it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar or any other officer of the requirements of the Law in this respect; but if the defendant produce any such certificate as hereinbefore described, or the register of vaccination kept by the Registrar, Registrar-General, or other officer, as the case may be, as hereinbefore provided, in which the certificate of successful vaccination of such person or child shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate marked B in the schedule hereto, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Evidence in case of prosecution.

29. Every person (not being a child born after the commencement of this Law) shall be liable to be dealt with as an unvaccinated person, unless satisfactory proof be adduced to the District Vaccinator or other officer that such person has been already successfully vaccinated.

Reference amended. *Vide* Law 10, 1885, Sec. 9.

Persons liable to be dealt with as unvaccinated unless proof be adduced to the contrary.

30. Every Registrar of Vaccinations and Registrar of Births shall keep a book, in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the certificates transmitted to him as herein provided, and shall, at all reasonable times, allow searches to be made therein, and upon demand give a copy under his hand, or under that of his deputy, and of any entry in the same, on payment of a fee of sixpence for each search, and threepence for each copy; and every such Registrar of Births shall receive a fee of one penny in respect of every child whose birth he shall have registered, and in respect of which he shall have given notice as aforesaid, and another fee of three pence in respect of every child whose certificate he shall have registered as herein provided; and every such Registrar of Births shall receive a fee of one penny in respect of every child whose certificate he shall have registered without having registered his birth. Every Registrar of Vaccinations may, in the case of any notice given by him as herein provided, or any certificate duly registered, charge a fee of one shilling for every such notice given or certificate registered by him.

Book to be kept by Registrar of Vaccinations and Registrar of Births.

Fees payable to Registrar of Births.

Fees payable to Registrar of Vaccinations.

31. The Registrar-General of Marriages, Births, and Deaths for this Colony shall, when he shall deem it necessary from time to time as occasion may require, frame and provide appropriate books, forms, and regulations for the use and guidance of the Registrars in the exercise of the duties herein prescribed, as regards the vaccination of children born after the commencement of this Law, and also such forms as shall be required for the use of the District Vaccinators

Registrar-General of Marriages, Births, and Deaths to provide forms, &c.

Vaccination.

Distribution of forms.

and the signature of the medical practitioners under the provisions of this Law, and also such forms as shall be required for use by the Registrars of Vaccination (in the case of persons born prior to the commencement of this Law), and all other forms necessary for carrying out the provisions of this Law. The officers receiving these forms shall retain such as relate to themselves, and shall distribute among the District Vaccinators or other officers within their respective Districts such as relate to them, without fee or reward.

Penalty for neglect to undergo vaccination or to prove result of vaccination.

32. Any person requiring to be vaccinated under this Law, or the parent of any child requiring to be vaccinated under this Law, who shall neglect to undergo or procure such vaccination, or after vaccination to be inspected according to the provisions of this Law, or shall fail to produce satisfactory proof to the District Vaccinator of the result of such vaccination and shall not render a reasonable excuse for his neglect, shall be guilty of an offence, and upon conviction shall be liable to any penalty not exceeding Five Pounds sterling for every such offence.

Vide Law 10, 1884, Sec. 2.

Duties of Keeper of Gaol, Lunatic Asylum, or Hospital.

33. The Keeper or Superintendent of any Gaol, Lunatic Asylum, Hospital, or other similar public institution, shall, with the assistance of the District Vaccinator of the district in which such institution is situated, take such steps as are necessary for the carrying out of the provisions of this Law in regard to the inmates of such institution.

Return to be sent to Registrar-General by Registrar of Births and Deaths.

34. Every Registrar of Births and Deaths shall, once in every three months, transmit to the Registrar-General of Marriages, Births, and Deaths, a copy of the register of every child born after the commencement of this Law and duly vaccinated in terms thereof.

Return to be sent to Registrar of Vaccination by District Vaccinator.

35. Every District Vaccinator shall once every month transmit to the Registrar of Vaccination or other officer appointed by the Governor, a list of all children and other persons, not included in the foregoing section, who shall have been duly vaccinated in terms of this Law.

Register to be kept by Registrar-General.

36. The Registrar-General of Marriages, Births, and Deaths, or the Registrar of Vaccinations, as the case may be, shall, from the copies of registers transmitted to him in terms of the two preceding sections, make out and keep an alphabetical register of all cases of successful vaccination; and shall, at all reasonable times, allow searches to be made therein, and upon demand give a copy under his hand, or under that of his deputy, of any entry in the same, on payment of a fee of sixpence for each search and threepence for each copy: Provided that no fees shall be charged for any search made by a District Vaccinator or any person appointed by the Governor, or by the Central Board, to make such search.

Registrar of Vaccinations to submit to Central Board list of persons in default in respect of certificates of vaccination to Central Board.

37. On the expiration of the period of three months from the commencement of this Law, the Registrars of Vaccinations in each District shall make out a list of all cases (other than those of children born after the commencement of this Law) in which certificates of vaccination have not been duly received by them, and shall submit the same to the Central Board, and if the said Board, after

Vaccination.

such enquiries as they may deem necessary, shall be of opinion that the provisions of this Law have been neglected, they shall forthwith instruct the Clerk of the Peace or any other person they may have appointed in that behalf to institute proceedings against the persons in default.

Board may instruct Clerk of Peace to prosecute persons in default.

38. In like manner, the Registrar of Births of each District shall, in the case of children born after the commencement of this Law, within one week after the first day of January and the first day of July in each year, make out a list of all cases in which the necessary certificates shall not have been duly received, and shall transmit the same to the Central Board; and the subsequent proceedings, in the event of the parents of such children being in default, shall be the same as are provided in the preceding section hereof.

Registrar of Births to submit list of persons in default of certificates in cases of children born after commencement of Law. Subsequent proceedings as in preceding section.

39. The following provisions shall be observed in respect of Indian Immigrants vaccinated under this Law :—

Provisions in respect of Indian Immigrants.

- (a) All proceedings required by this Law to be taken by the Registrar of Births and Deaths, may, in the case of Indian Immigrants, be taken by the Protector of Immigrants.
- (b) Any notice required by this Law to be given in writing, may, in the case of Indian Immigrants, be given verbally.
- (c) The Protector of Immigrants shall be charged with the due carrying out of this Law as regards Indian Immigrants, and shall take all necessary steps for making the Indian population acquainted with the provisions of this Law.
- (d) Every employer of Indentured Indian Immigrants is hereby required to facilitate in every way the carrying out the provisions of this Law in regard to the Indians in his service.
- (e) Every Coolie Medical Officer appointed under the provisions of Law 12, 1872, and Law 14, 1875, shall, *ex officio*, be the District Vaccinator of Indians living within the medical circle for which he shall be appointed.

40. The foregoing provisions of this Law shall not apply to any Native in this Colony.

Foregoing provisions of Law not to apply to any Native.

41. The Governor in Council may, whenever it shall appear to him desirable, enforce the system of compulsory vaccination among the Natives of this Colony.

Governor in Council may enforce compulsory vaccination of Natives.

42. The Governor may from time to time, with the advice of the Executive Council, frame and issue by Proclamation in the *Government Gazette* all Rules and Regulations applicable to the vaccination of Natives, and declaring the manner in which the same shall be carried out, and the forms and returns to be used in connection therewith, and may, in such Rules and Regulations, impose any penalty, not exceeding Five Pounds, for any contravention thereof, or of the provisions of that portion of this Law relating to Natives.

Governor in Council may make rules for vaccination of Natives, and may impose penalties.

Vaccination.

Governor may
appoint special
officers for vac-
cination of
Natives.

Limit of fee in
respect of vac-
cination of
Natives.

43. The Governor may appoint special medical officers, and other officers not being medical practitioners, to assist in carrying out the vaccination of Natives.

44. No Public Vaccinator shall receive from any Native, for or in respect of any operation of vaccination performed under this Law, a larger fee than 6d. for every such operation.

SCHEDULES.

A.

I, the undersigned, hereby give you notice that

must be vaccinated within from the date hereof, pursuant to the provisions of the Vaccination Law, and that in default of your doing so you will be liable to the penalties thereby imposed for neglect of those provisions.

If you intend to apply to the District Vaccinator of your district, I have to inform you that he will attend at on at the hour of .

You are required to produce to the District Vaccinator, or medical practitioner or other authorised person who may be applied to, the forms herewith supplied for him to fill up and sign; and if the operation be performed by a medical practitioner who is not the District Vaccinator, you must transmit to me by post, or otherwise, the certificate signed by him within twenty-one days after the performance of the operation, or you will be liable to a penalty not exceeding Five Pounds, to be recovered on a summary conviction.

Dated this day of 18

(Signed) A.B.,

Registrar of Vaccination for the District of
in the County or Division of

B.

I, the undersigned, hereby give you notice to have the child (insert the name if any), whose birth is now registered, vaccinated within three months from the date of its birth, pursuant to the provisions of the Vaccination Law, and that in default of your doing so you will be liable to the penalties thereby imposed for neglect of those provisions.

If you intend to apply to the District Vaccinator of your district, I have to inform you that he will attend at on at the hour of .

You are required to produce to the District Vaccinator, or medical practitioner or other authorised person who may be applied to, the forms herewith supplied, for him to fill up and sign; and if the operation be performed by a medical practitioner who is not the

Vaccination.

District Vaccinator, you must transmit to me by post, or otherwise, the certificate signed by him, within twenty-one days after the performance of the operation, or you will be liable to a penalty not exceeding Five Pounds, to be recovered on a summary conviction.

Dated this day of 18

(Signed) A.B.,
Registrar of Births and Deaths for the District of
in the County or Division of

C.

I, the undersigned, hereby certify that I am of opinion that
**[the child of],
in the (County, or Division, or Township, or Borough, as the case
may be) [aged], is not now in a fit and proper state to
be successfully vaccinated. I do hereby postpone the vaccination
until the day of 18 .*

(Signed) A.B.,
District Vaccinator of the
District of (County or Division),
Or

A. B.

Medical Practitioner (*i.e.* M.D., L.A.C., or
F.R.C.S., as the case may be) or other autho-
rised person.

MEM.—This is to be kept by the person to whom it is given.

**These spaces may be left blank when the person to whom the certi-
ficate refers is an adult.

*This must not exceed two calendar months from the day of the certi-
ficate.

D.

I, the undersigned, hereby certify that I have
times successfully vaccinated
[*the child of] in the (County,
or Division, or Township, or Borough, as the case may be).

Dated day of 18

(Signed) A.B.,
District Vaccinator of the
District (County or Division) of

Or

A.B.,
Medical Practitioner (*i.e.* M.D., L.A.C., or
F.R.C.S., as the case may be) or other autho-
rised person.

Vaccination.

MEM.—This is to be kept by the [*parent or other] person to whom it is given.

*These spaces may be left blank when the person to whom the certificate refers is an adult.

E.

I, the undersigned, hereby certify that
[the child of _____ aged _____]
of _____ in the (County, or Division, or
Township, or Borough, as the case may be) of _____
has been successfully vaccinated by me.

Dated this _____ day of _____ 18 .

(Signed) A.B.,

District Vaccinator of the
District (County or Division) of _____

Or

A.B.,
Medical Practitioner (M.D., L.A.C., or
F.R.C.S., or otherwise as the case may be) or
other authorised person.

NOTICE.—This certificate is to be transmitted as follows :—

- (a) In the case of any person born before the
day of _____ 1882, within twenty-one
days from the performance of the operation, by the
District Vaccinator, to the Vaccination Registrar of the
District or Ward in which the Vaccination took place.
- (b) In the case of a child born after that date, within twenty-
one days from the performance of the operation, by the
District Vaccinator, to the Registrar of Births of the
District in which the birth was registered [or if that
be not known to him, to the Registrar of the District in
which the operation was performed].

*A Duplicate is to be given to the parent procuring the Vac-
cination, if requested.

The transmission may be by post or otherwise.

In each case the Vaccination Law of 1882 imposes a penalty not
exceeding Five Pounds for default.

*When the Vaccination is performed by a medical practitioner, not the
District Vaccinator of the district, he is to fill up and sign this certificate,
and the person vaccinated, or, if a child, the parent or such other person,
is within the same time to transmit it as before stated.

Given at Government House, Natal, this 23rd day of
August, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL.
Colonial Secretary.

Quarantine.

LAW No. 4, 1882.

(Signed) HENRY BULWER.

To amend the Law No. 3 of 1858, relating to Quarantine, and to give power to the Governor to declare an infected Port or Ports.

Amended by Law 43, 1884.

WHEREAS it is expedient to amend the Law No. 3, 1858, relating to Quarantine, by giving power to the Governor to declare from time to time, by Proclamation, that every vessel arriving at or off any place of this Colony, from any place in which he shall be informed, or has reason to believe, that any contagious or infectious disease is prevalent, shall perform Quarantine :

Preamble.

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. As often as the Governor, with the advice of the Executive Council, shall by Proclamation notify that any place or places, whether on this Continent or beyond the seas, is or are infected with any contagious or infectious disease dangerous to the public health, and that it is probable that such disease may be brought from such place or places to the Colony of Natal, then, and immediately from and after such notification, all ships and vessels whatever arriving from or having touched at any such place or places, shall be, and be considered to be, liable to Quarantine within the meaning of the Law No. 3, 1858, and of any order made or hereafter made by the Governor, with the advice of the Executive Council, and notified by Proclamation, concerning Quarantine and the prevention of infection, or of any rules and regulations made under and by virtue of Law No. 2, 1882, entitled Law "To confer upon the Natal Harbour Board certain powers in relation to Quarantine."

Governor by Proclamation to declare infected port or ports.

2. It shall be lawful for the Governor, with the advice of the Executive Council, from time to time, to make such orders or rules as may be deemed necessary to meet exceptional cases, and to determine whether and under what circumstances any ship or vessel may be partially or wholly exempted from the operation of the first section of this Law, although such ship or vessel may have touched at any such place or places as are referred to in that section.

Governor to make orders and rules to meet exceptional cases.

3. This Law shall commence and take effect from and after the publication thereof in the *Natal Government Gazette*.

Commencement of the Law.

Given at Government House, Natal, this 28th day of August, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Repeal of Limitation of Supply.

LAW No. 5, 1882.

(Signed) HENRY BULWER.

To repeal a certain limitation upon Supply contained in Law 8, of 1881, and to legalise certain payments made by the Government of Natal upon the authority of the said Law 8, of 1881, and of a Respectful Address of the Legislative Council of Natal to the Administrator of the Government, agreed to by a Resolution of the said Council on the 2nd day of March, 1882.

Preamble.

WHEREAS by Clause 2 of Law 8, 1881, it is provided that the said Law, unless re-enacted prior to the 30th day of April, 1882, shall not after that date authorise the expenditure of any public moneys voted thereunder or authorised thereby except for the payment of the interest and sinking fund of the Colonial Public Debt :

And whereas the said Law 8, of 1881, was not re-enacted prior to the 30th day of April, 1881 :

And whereas by Respectful Address No. 7 of the Legislative Council of Natal, agreed to by Resolution of the said Council, dated the 2nd day of March, 1882, His Excellency the Administrator of the Government of Natal was informed that the Legislative Council would be prepared to indemnify His Excellency the Governor for any and all expenditure which might be incurred in carrying on the Government of the Colony on the terms and lines laid down in Law 8, of 1881, for two months from the 30th day of April, 1882, the second section of that Law notwithstanding :

And whereas it is expedient to repeal and annul the limitation on Supply contained in the second clause of the said Law 8, of 1881, and also to ratify by Law all expenditure incurred in carrying on the Government of the Colony in terms of the said Respectful Address No. 7 :

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

Limitation on supply repealed.

1. The limitation on Supply contained in the second clause of Law 8, of 1881, shall be and the same is hereby repealed and annulled.

Indemnity.

2. The Governor of Natal and his predecessor in office, and all past and present officers of the Government of Natal, and their respective estates, are hereby held harmless and indemnified in respect of any and all expenditure incurred or to be incurred by them or any of them in carrying on the Government of this Colony on the terms laid down in Law 8, 1881, since the 30th day of April, 1882.

Commencement of Law.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, Natal, this 4th day of September, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Railway Management.

LAW No. 6, 1882.

(Signed) HENRY BULWER.

For making Further Provision for the Service of the Year 1881.

LAW No. 7, 1882.

(Signed) HENRY BULWER.

For making Further Provision for the Service of the Year 1882.

LAW No. 8, 1882.

(Signed) HENRY BULWER.

For providing a sum not exceeding £779,371 1s. 11d., for the Public Service of the Colony during the Year 1883.

LAW No. 9, 1882.

(Signed) HENRY BULWER.

To continue with certain amendments, the Law No. 25, 1880, entitled Law "To provide for the management and working of the Natal Government Railways."

WHEREAS the Law No. 25, 1880, entitled Law "To provide for the management and working of the Natal Government Railways," will expire on the 31st day of December, 1882 :

And whereas it is expedient to continue, with certain amendments, the provisions of the said Law :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Law 2, 1878, entitled Law "For fixing the fares and rates chargeable for the conveyance of passengers and goods by the Natal Government Railways," shall be and the same is hereby repealed : Provided that all acts, matters, or things done, or proceedings taken under the provisions of the said Law shall be valid, and have the same effect as if done or taken under the provisions of this Law.

2. All appointments made under the said Laws 3, 1877, and 25, 1880, shall be considered as appointments made under this Law, and all rules, regulations, orders, and charges made under the said expired Laws, until revoked, altered, or amended, in so far as they are not in conflict with his Law, shall continue in full force and effect, and shall be deemed to be rules, regulations, orders, and

Continued till end of 1885 by Law 30, 1884 ; till December 31, 1886, by Law 31, 1886 ; till June 30, 1887, by Law 30, 1887 ; till December 31, 1888, by Law 32, 1887 ; till December 31, 1890, by Law 7, 1888.

Preamble.

Expiration of Law 25, 1880.

Law 2, 1878, repealed.

Vide Laws 3, 1877, and 25, 1880.

Railway Management.

charges under this Law ; and all proceedings taken under the said expired Laws before the coming into effect of this Law, and all other proceedings taken thereunder, shall be as valid to all intents and purposes, and may be continued and enforced in the same manner, as if the said expired Laws had remained in full force and effect ; and all offences against the said expired Laws, or either of them, may be prosecuted, and all penalties incurred thereunder may be enforced, in the same manner as if the said expired Laws had remained in full force and effect.

Interpretation
clause " Railway
official."

Proviso.

Appointment of
General Manager
and other neces-
sary officials by
Governor.

3. For the purposes of this Law the expression " Railway official" shall include the General Manager of the Railway, the assistant managers, and all such officers, servants, agents, and other persons as shall be thereunto from time to time authorised on that behalf in writing by the General Manager of the Railways : Provided that no Railway official shall be considered or included among the Civil Servants employed in the permanent Civil Service of the Colony.

4. The Governor may appoint a fit and proper person to execute the duties and powers hereinafter mentioned, who shall be called the General Manager of the Natal Government Railways, and one or more persons, as he may deem necessary, to assist the said General Manager in the execution of the said duties and powers, who shall be called assistant managers, and such clerks and other officers as to him may appear necessary, at such salaries or wages as may from time to time be voted by the Legislative Council ; and all duties and powers hereinafter required to be performed and exercised by the General Manager shall and may be performed and exercised by any assistant manager.

Dismissal and
suspension of
railway officials.

Proviso.

5. The General Manager of the Railways may, on sufficient cause to him appearing, and subject to the proviso hereinafter contained, summarily dismiss any Railway official for misconduct ; or may suspend any such official from the performance of his duties : Provided that every Railway official so dismissed or suspended shall have the right of appeal to the Governor in Council ; and, should such suspension or dismissal be confirmed by the Governor in Council, the official, if suspended, shall be thereupon dismissed from the service of the Government, or if already dismissed by the General Manager, shall be deemed to be finally dismissed without further appeal.

General Manager
to make By-laws.

6. The General Manager may from time to time make such By-laws as he shall think fit for the purpose of regulating the conduct of the officers and servants employed on the Railway. A copy thereof shall be given to every officer and servant affected thereby.

General Manager
may impose
penalties for con-
travention of
By laws.

Proviso.

7. The General Manager may, by such By-laws, impose reasonable penalties upon all persons, being officers or servants employed on the Railway, offending against such By-laws, as the General Manager may think fit, not exceeding in any one month seven days' pay of any such officer or servant : Provided that this section shall not confer any power on the General Manager to impose a fine on any indentured Indian immigrant, otherwise than provided by the special

Railway Management.

Laws of this Colony relating to Indian immigrants. Any officer or servant employed on the Railway who may feel aggrieved by any such penalty as aforesaid, shall have the right of appeal to the Governor in Council, whose decision shall be final.

8. The imposition of fines under the 7th section of this Law upon any officer or servant employed on the Railway shall (subject to the appeal hereinbefore provided for) be wholly within the discretion of the General Manager, and should it appear to the General Manager that the offence or misconduct in respect of which any such fine shall have been incurred would be better dealt with by a prosecution before a Court of Law, it shall be competent for such prosecution to be instituted in lieu of the imposition of any such fine. Fines.

9. The Governor in Council may from time to time fix and impose fares and rates to be made, demanded, and received for the conveyance of passengers, goods, animals, articles, and things by the Railway. The Governor in Council shall have power to pass, and publish in the *Government Gazette*, and from time to time to alter, amend, vary, or annul regulations for carrying out the provisions of this Law, which regulations shall, after such publication, have the same force and effect as if *verbatim* embodied in this Law. All such regulations, or alterations thereof, shall be laid before the Legislative Council at the Session next ensuing after their promulgation. Rules as to rate of carriage, &c., how framed.

10. The Governor in Council shall have the power from time to time to delegate to or withdraw from the General Manager such of the discretionary powers vested in the Governor in Council under this Law, having reference to the fixing and imposing of fares and rates to be made, demanded, and received for the conveyance of passengers, goods, animals, articles, and things by the Railway as to the Governor in Council may seem fit. Governor may delegate powers to General Manager.

11. No person shall enter any carriage used on the Railway for the purpose of travelling therein without having first paid his fare and obtained a ticket. Every person desirous of travelling on such Railways shall, upon payment of his fare, be furnished with a ticket specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any Railway official duly authorised to examine the same, and shall deliver up such ticket upon demand to any of the Railway officials duly authorised to collect tickets. Any person not producing or delivering up his ticket as aforesaid shall be liable to pay the fare from the place whence the train originally started; but should such person, within fourteen days, prove to the satisfaction of the General Manager that he has travelled a less distance, the difference of fare will be refunded. Prepayment of passenger fares.

12. The fare or freight paid for the conveyance of passengers shall be deemed to be accepted only upon condition that there be room in the train. In case there shall not be room for all the passengers, those passengers who have obtained tickets for the longest distance shall have the preference, and those who have obtained tickets for the same distance shall have the preference according to the order in which they shall have received their tickets; Provided that all officers and Tickets to be given up when demanded.

Fare or freight accepted conditionally.

*Railway Management.***Proviso.**

troops of Her Majesty on duty, and being in possession of a proper certificate or pass, shall be entitled to be conveyed on such Railways in preference to or in priority over the public, without reference to the distance for which or the order in which they shall have received their tickets : Provided that no passengers who shall have taken his ticket shall be liable to removal from his place should there be room in any other portion of the train for the person so travelling on duty ; and provided also that free passes may be granted to such persons or classes of persons as may from time to time be determined by the Governor in Council.

Penalty for fraud.

13. Any person who shall defraud or attempt to defraud the Government by travelling or attempting to travel upon such Railways without having previously paid his fare, or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare, or by continuing his journey in or upon any of the carriages beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof ; or who shall knowingly and wilfully refuse or neglect on arriving at the point to which he shall have paid his fare to quit such carriage and railway premises ; or who shall transfer or profit by the transfer of the return halves of day, excursion, or other tickets ; or who shall in any other manner whatever attempt to evade the payment of his fare, shall be liable to a fine not exceeding Five Pounds for each offence.

Fine for entering carriage in motion or riding on steps.

14. Any passenger who shall get into or upon, or attempt to get into or upon, or shall quit, or attempt to quit, any carriage upon such Railway, while such carriage is in motion, or who shall ride, or attempt to ride, upon such Railways on the steps or on any other part of a carriage except on those parts which are intended for the accommodation of passengers, shall be liable to a fine not exceeding Two Pounds for each offence.

Fine for riding on locomotive engine, or tender, or luggage van, or goods wagon.

15. Any person other than the engineman and fireman and assistant fireman (if any), who, without the special license of the General Manager of the Railways, shall ride, or attempt to ride, upon any locomotive engine or tender upon such Railways, and any person other than the guard or brakesman who, without special permission of the Traffic Manager, shall ride or attempt to ride, upon such Railways in or upon any luggage van or goods wagon or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine not exceeding Five Pounds for each offence.

Smoking or chewing betel, bhang, tobacco, opium, &c., prohibited.

16. If any person shall smoke or shall chew betel, bhang, tobacco, opium, or other like substance, either on the premises, or in or upon any of the carriages belonging to the Railways, except in places and carriages which may be specially provided for the purpose, he shall be liable to a fine not exceeding Two Pounds for each offence, and if any person persist in infringing this regulation after being warned to desist by any of the Railway officials or passengers, such person, in addition to incurring the liability above-mentioned, may be removed by any such official from any such carriage, and from the premises appertaining to the Railways, and shall forfeit his fare.

Railway Management.

17. Any person who shall be in a state of intoxication, or be insufficiently or indecently clad, or shall commit any nuisance or act of indecency in any railway carriage, or upon any part of the premises appertaining to the Railways, or who shall wilfully and without lawful excuse interfere with the comfort of any passenger upon such Railways, shall be liable to a fine not exceeding Ten Pounds, or to imprisonment with or without hard labour for any term not exceeding three months, or to both, and in addition to such liability the offender may be removed by any of the Railway officials from any such carriage, and also from the premises appertaining to the Railways, and shall forfeit his fare.

Penalty for intoxication, being indecently clad, or committing a nuisance.

18. If any special carriage, or portion of a carriage, or any private room or apartment, shall be provided for the exclusive use of females, any male person who, without lawful excuse, shall enter such carriage, or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, and shall remain therein after having been informed of its exclusive appropriation, or any passenger of one class who shall knowingly and wilfully refuse or neglect to leave rooms or places set apart for passengers of higher classes, shall be liable to a fine not exceeding Five Pounds, and may be removed therefrom, and also from the premises appertaining to the Railways, by any of the Railway officials, and shall forfeit his fare.

Penalty for entering private room or carriage.

19. The Government shall be liable for loss or injury occurring on or in connection with the Railways in like manner as a private person, being a carrier by land, would be liable: Provided always that the Government may in writing contract with any person for exemption from such liability in the same manner and to the same extent as may lawfully be agreed upon between a private carrier and any other person in respect of such liability: Provided further that no claim on account of any loss or injury shall be sustained, unless a receipt shall have been given for the goods in respect of which such claim is preferred: Provided further, that nothing in this Law contained shall be taken to impose any individual liability on the Governor of this Colony, or upon the General Manager of the Railways, or upon any other Government officer or Railway Official, for any loss or injury occurring as aforesaid.

Liability for goods lost or injured.
Proviso.

Vide Law 11, 1884.

20. If any person sending any goods upon the Railways shall fail to pay on demand any sum due for the conveyance of such goods, it shall be lawful for the General Manager to detain all or any part of such goods, or if the same shall have been removed from the premises appertaining to the Railways, any other goods the property of such person which shall then be on their premises or shall thereafter come into their possession, and also, after reasonable notice to such person, to sell by public auction sufficient of such goods to realise the sum payable as aforesaid, and all charges and expenses of such detention and sale, and out of the proceeds of the sale to retain the sum so payable, together with the charges and expenses aforesaid, rendering the surplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto, or the

Remedy for non-payment of the carriage of goods

Railway Management.

or the fare of passengers.

An account of goods to be furnished on demand to any railway official.

Proviso.

Penalty for giving a false account.

Government not bound to deliver goods.

Carriage of goods of a dangerous nature prohibited.

Penalty.

General Manager of the Railways may recover any such sum by action at Law. The goods of passengers may also be detained, sold, and the proceeds disposed of as above provided for non-payment of the fare due by them.

21. The owner or person having the care of any goods which shall have been carried upon any such Railways, or shall be brought on to the premises appertaining to any such Railways for the purpose of being carried on the Railways, shall, on demand by any Railway official appointed to receive goods to be carried on that part of the Railways on which such goods shall have been carried, or shall be about to be carried, deliver to such officer an exact account in writing, signed by him, of the number or quantity, weights, and description of such goods: Provided that a Railway official shall in no case be bound to receive goods, or in any way be liable for goods delivered on their premises, unless such goods be accompanied by such account. This provision shall not apply to passengers' luggage.

22. If any such owner or person as aforesaid shall, on demand by any such Railway official as aforesaid, wilfully give a false account of such goods, he shall, for every such offence, be liable to a fine not exceeding Five Pounds for every ton of goods, and to a fine not exceeding Two Pounds for any quantity of goods less than a ton.

23. The Government is not bound to deliver goods arriving at the terminal or other Railway Stations, but it may, at the discretion of the General Manager, undertake the delivery of goods addressed to places within the limits of the City of Pietermaritzburg and the Town of Durban, or within such limits as may from time to time be found expedient. The delivery of goods will be considered to be complete, and the responsibilities of the Government will be considered to terminate, when the goods shall be unloaded out of the wagon, truck, van, or cart, and placed at the door of the consignee, and receipt shall have been given therefor; and the cellaring or warehousing of such goods will be at the owner's risk and expense; as will also be the removal of goods from the sender's premises to the cart, wagon, or premises appertaining to the Railways.

24. No person shall carry upon any such Railways any aquafortis, oil of vitriol, gunpowder, lucifer matches, explosive substances, or any other goods which in the judgment of the General Manager may be considered of a dangerous nature, or be entitled to require the Government to carry upon such Railways any article which in the judgment of the General Manager shall be of a dangerous nature, or so bulky that it would be unsafe for the Railways to convey the same; and if any person shall carry upon such Railways any dangerous article, or shall deliver any such article for the purpose of being carried upon such Railways, without distinctly marking its nature on the outside of the package containing the same, and likewise giving notice in writing of the nature thereof to the book-keeper or other Railway official to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding Twenty Pounds for every such offence, and it

Railway Management.

shall be lawful for the General Manager to refuse to carry any luggage or parcel that he may suspect to contain articles of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same, and in case any such luggage or parcel shall be received by the Railway officials for the purpose of being carried on the Railways, it shall be lawful for the General Manager to stop the transit thereof until they shall be satisfied as to the nature of the contents of the luggage or parcel.

25. No person afflicted with smallpox or other contagious disease will be permitted to travel by Railway; nor shall any lunatic, whether in charge of a keeper or not, be permitted to travel in the same carriage or compartment with passengers; and if any person whilst travelling be discovered to be so afflicted, it shall be lawful for any Railway official to remove him from the carriage and from the Railway premises at the first opportunity.

Persons afflicted with small-pox, &c., not allowed to travel.

Vide Law 14, 1887, Sec. 4.

26. Any person who shall wilfully obstruct or impede any Railway official or any servant or agents in the discharge of their duty on such Railways, or any of the works, stations, or premises connected therewith, shall be liable to a fine not exceeding Five Pounds.

Penalty for obstructing railway official in discharge of his duty.

27. Any persons who shall remove any stakes or pegs, or other marks placed by any Railway official, or by any surveyor, or his servants or agents along any of the lines of Railway or any other line which may be hereafter undertaken with the sanction of the Government, or contiguous thereto, for the purpose of setting out, tracing, or showing such line, shall be liable to a fine not exceeding Five Pounds.

Penalty for removing stakes or pegs or defacing marks.

28. Any person who shall trespass upon any Railway, or upon any of the lands, stations, or other premises appertaining to the Railways, shall be liable to a fine not exceeding Two Pounds, and if any such person shall refuse to leave such Railways or premises on being requested to do so by any Railway official, or by any other person on his behalf, he shall be liable to a fine not exceeding Five Pounds, and may be immediately removed from such Railways or premises by such officer or other person as aforesaid.

Penalty for trespass.

29. Any person who shall unlawfully and wilfully remove or deface the number plates, or remove or extinguish any lamp on any carriage belonging to any such Railways, or shall wilfully imitate any Railway signal, or shall wilfully or negligently damage or injure any carriage, engine, wagon, truck, warehouse, building, machine, fence, or any other matter or thing belonging to such Railways, shall be liable to a fine not exceeding Twenty Pounds, and in addition to this penalty shall be made to defray the cost of repairing the damage or injury he has caused to the Railway property.

Penalty for removing or destroying property, &c.

30. If any person for whose use and accommodation any gate shall have been set up by any Railway official on either side of such Railways, or any other person, shall open such gate, or pass or attempt to pass, or drive or attempt to drive any cattle, carriage, or other animal or thing across the said Railway at a time when any engine or train approaching along the same line shall be in sight, or

Penalty for opening gate or crossing line when engine or train approaching, or omitting properly to shut and fasten gate.

Railway Management.

shall at any time omit to shut and fasten such gate as soon as he and any such cattle, carriage, or other animal or thing under his charge shall have passed through the same, he shall be liable to a fine not exceeding Ten Pounds.

Penalty for malicious injury.

31. If any person shall wilfully and maliciously put, place, cast, or throw upon or across the Railways any wood, stone, or matter or thing, or shall wilfully or maliciously take up, remove, or displace any rail, sleeper, or matter or thing belonging to the Railways, or shall wilfully and maliciously turn, move, or divert any points or other machinery belonging to the Railways, or shall wilfully and maliciously make or show, hide or remove any signal or light upon or near the Railways, or shall wilfully or maliciously do or cause to be done any other matter or thing with intent in any of the cases aforesaid to upset, obstruct, overthrow, injure or destroy any engine, tender, carriage, or truck used upon the Railways, or to endanger the safety of any persons travelling or being upon the Railways, or cast, throw, or cause to fall or strike against, into, or upon any engine, tender, carriage or truck, used upon the Railways, any wood, stone, or other matter or thing with intent to endanger the safety of any person being in or upon such engine, tender, carriage, or truck, every such offender shall be guilty of an offence, and being convicted thereof shall be liable, at the discretion of the Court, to corporal punishment not exceeding fifty lashes, or fine not exceeding One Hundred Pounds, or imprisonment with or without hard labour for any period not exceeding ten years, or to any one or more of these punishments.

Penalty for acts endangering safety of travellers.

32. Whoever shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause, the safety of any person travelling or being upon any such Railways to be endangered, shall be liable to corporal punishment not exceeding twenty lashes, or fine not exceeding Twenty Pounds, or to imprisonment with or without hard labour for any period not exceeding three years, or to any one or more of these punishments.

Penalty on railway officials for acts endangering safety of travellers.

33. If any Railway official shall wilfully do any act which he is legally prohibited from doing, or shall wilfully or negligently omit to do what he is legally bound to do, and if in consequence of such act or omission the safety of any person travelling or being upon such Railways shall be endangered, such official shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years, or to fine not exceeding One Hundred Pounds, or to both.

Penalty for drunkenness and neglect of duty by railway official.

34. Any Railway official who shall be in a state of intoxication whilst actually employed upon the Railways, or any of the works connected therewith, in the discharge of any duty, and any Railway official who negligently shall omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding Five Pounds; and if the duty in any of the cases in this Section above mentioned be such that the omission or negligent performance thereof would be likely to endanger the safety of any

Railway Management.

person travelling or being upon such Railways, such official shall on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding three years, or to fine not exceeding Twenty Pounds, or to both.

35. If any person shall rashly or negligently, and without lawful excuse, do any act which shall be likely to endanger his own safety, or that of any person travelling or being upon such Railway, he shall upon conviction be liable to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding Ten Pounds, or to both.

Penalty for rash acts endangering safety of travellers.

36. If any person shall wilfully do any act contrary to the provisions of the Rules sanctioned by the Governor in Council, and duly promulgated as already provided, he shall be guilty of an offence, and be liable on conviction to a fine not exceeding Ten Pounds.

Penalty for infringing rules.

37. And whereas many of the offences declared punishable by this Law may be committed by children, whom it would not be expedient to punish in manner herein provided: It is therefore enacted that it shall be competent for any Resident Magistrate, before whom any child shall be convicted of any offence, to order the moderate chastisement of such child, with a birch or other rod, to be inflicted in the presence of the Magistrate in a private room, instead of subjecting him to the other punishment prescribed by this Law, and such chastisement shall be inflicted immediately, if the Resident Magistrate shall so direct.

Punishment of children.

38. Every person who shall be guilty of any offence mentioned in this Law may be lawfully apprehended, without any warrant or written authority, by any Railway official or by any other person whom such Railway official shall call to his aid, or by any police officer, and every person so apprehended shall with all convenient dispatch be carried and conveyed before a Resident Magistrate or a Justice of the Peace, or other officer lawfully authorised to punish the offender or commit him for trial.

Apprehension of offenders without warrant.

39. In the construction of this Law every Railway official shall be deemed to be legally bound to do everything necessary for or conducive to the safety of the public which he shall be required to do by this Law, or by any Rule or Regulation which shall be made by the Government, and of which Rule or Regulation such official shall have notice, and every such official shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such Rule or Regulation he shall be prohibited from doing; and every person employed by or on behalf of such Railways to do any act upon the Railways shall be deemed to be an official of the Railways.

Rules for the construction of this Law.

40. For the purposes of this Law the Resident Magistrates of the Colony of Natal shall respectively have jurisdiction over all offences, acts, matters, and things hereby made cognisable by Resident Magistrates, although such Resident Magistrates may otherwise have no jurisdiction in the place where the offence was committed, or where the act, matter, or thing took place.

Jurisdiction of Magistrates.

Railway Management.

Offences may be brought before Courts of Resident Magistrates for trial though otherwise beyond the jurisdiction of such Courts,

on certificate of Attorney-General.

How payment of fares may be enforced when passenger does not produce ticket.
Vide Section 12, *supra*.

Copy of this Law, &c., to be exhibited in some conspicuous place at each railway station.

Penalty for removing, defacing or injuring any document so exhibited.

Appropriation of fines.

Imprisonment of offender not paying fine.

41. And whereas the punishments assigned to certain offences under this Law are beyond the jurisdiction of Resident Magistrates, but it would be frequently more advantageous that such offences should be brought for trial before the Courts of such Resident Magistrates, in order that the punishment of offenders may be more prompt, even though it should be less severe : It is therefore enacted that in case of any person committing any offence under this Law, and which offence would not otherwise be cognisable by a Resident Magistrate, by reason of the punishment to which the same is subject, a certificate may be presented to any Resident Magistrate, signed by the Attorney-General, to the effect that such officer is content that such offence or act shall be prosecuted before the Court of such Resident Magistrate, and in such case it shall be competent to such Resident Magistrate to take cognisance of such offence or act, and to award in respect thereof so much of the punishment assigned thereto as he is empowered under the Laws defining the powers and jurisdiction of Resident Magistrates so to do : Provided that no offender shall be deprived of the right competent to defendant or prisoner under Clause 5 of Law 16, 1861.

42. The payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section 12 of this Law may be enforced in the same manner as any fine imposed by this Law.

43. A copy of this Law, and of the Rules and Regulations, Time-tables, and Tariff of Charges, which shall from time to time be duly made and published, shall be exhibited in some conspicuous place at each station of the Railways, so that they may be easily seen and read, and all such documents shall be so exhibited in English, and in such other language, if any, as shall be required by order of the Government.

44. Any person who shall remove, deface, or in any way injure any document exhibited by the Railway authorities in pursuance of the provisions of this Law, or any notice or document posted by them at the station, or anywhere along the line, shall be guilty of an offence, and be liable to a fine not exceeding Five Pounds, or to imprisonment, with or without hard labour, for a period not exceeding three months.

45. All fines accruing under this Law, or under any By-law made under this Law, and all moneys accruing from the sale or lease of lands which may have been acquired for the uses of the Railway, shall be paid into the Colonial Treasury, and be dealt with as part of the revenue of the Government.

46. Any Resident Magistrate may order any offender convicted of contravening any of the provisions of this Law, or of any By-law made under this Law, and for which a money penalty alone is provided, unless he shall upon demand give satisfactory and sufficient security for payment of said fine or penalty so imposed, to be committed to gaol for any term not exceeding three months, with or without hard labour, unless such fine be sooner paid.

Consolidated Stock.

47. This Law shall commence and take effect from and after the 31st day of December, 1882, and shall continue in operation until the 31st day of December, 1884, inclusive.

Commencement
of Law.

Given at Government House, Natal, this 4th day of
September, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 10, 1882.

(Signed) HENRY BULWER.

To declare the terms and conditions applicable to Loans authorised to be raised by the Government of Natal, to provide for the creation of Natal Consolidated Stock, and to amend Law No. 35 of 1880.

Amended by
Laws 9, 1883,
21, 1887, and
Law 12, 1888.

WHEREAS it is expedient to define in one Law the terms and conditions applicable to all Loans hereafter authorised to be raised by the Legislature of Natal :

Preamble.

And whereas it is expedient to provide for the creation of Consolidated Stock, and to enable this Colony to take advantage of the provisions of an Act of the Imperial Parliament, entitled, "The Colonial Stock Act, 1877," as well as to repeal certain clauses of Law No. 35 of 1880, which provides for the creation of the Sinking Fund for the repayment of the Loans to be raised under the provisions of the said Law :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. In the case of the Loans authorised by Law No. 35 of 1880, entitled "Law to raise a Loan for the construction and equipment of certain Railway Extensions in the Colony of Natal, and for other purposes," and as often as by any Law passed during the present or any future Session, authority shall be given to raise any sum of money for the purposes mentioned in such Law, the Governor may from time to time, as he may deem expedient, raise such sum either by Debentures or Stock issued in this Colony (hereinafter referred to as "Colonial Stock"), or by Natal Consolidated Stock, or partly by Debentures, partly by Colonial Stock, and partly by Consolidated Stock.

Loans to be
raised by Debentures,
"Colonial
Stock," or Natal
Consolidated
Stock.

2. When the borrowing shall be upon debentures, such debentures shall be issued in this Colony or in England, or partly in this Colony and partly in England, for sums of not less than One Hundred Pounds each, but for any multiple of £100, upon the best and most favourable terms that can be obtained.

Debentures not
under \$100 each
to be issued in
this Colony or
England.

Consolidated Stock.

"Colonial
Stock."

3. When the borrowing shall be upon Colonial Stock, the following provisions shall be observed :—

Purchaser to be
credited by Treas-
urer for amount
purchased on
production of
scrip certificate.

4. Such stock shall be issued by crediting the purchaser thereof for such sum thereof as he shall purchase, in books to be kept for that purpose by the Treasurer of the Colony, such credit to be given in the first instance upon production and delivery to the said Treasurer by such purchaser, or by his order, of a scrip certificate of the amount of stock for which such credit shall be claimed, such certificate being signed by the Colonial Secretary and countersigned by the said Treasurer, and by the Auditor, and which scrip certificate shall be kept in the office of the said Treasurer.

Interest payable
half-yearly.

5. Such stock shall bear interest at a rate to be specified in the said scrip certificate, and such interest shall be payable half-yearly on the days to be fixed at the date of the first issue, and shall be paid on such days, respectively, or so soon thereafter as demand shall be made therefor by the lawful holder for the time being of such stock, to such lawful holder or his duly authorised attorney, at the office of the Treasurer in Natal.

Transfer of
Stock.

6. Such stock shall be transferable by transfer in the books of the said Treasurer, and every person to whom any such credit as aforesaid shall have been given in the said books in the first instance, or to whom any such transfer shall thereafter have been made in the said books, shall be entitled to require and demand of the said Treasurer a receipt or certificate stating the amount of such stock standing to his credit in such books.

Stock to be
disposed of by
public tender.

7. Such stock shall be put up for public tender in such amounts as may from time to time seem fit, and shall be disposed of for the best terms which can be thus obtained, and if more tenders than one offering the same terms shall be received for a greater amount of such stock than the amount disposable, it shall be lawful to accept any one or more of such tenders, or any part of such tenders as circumstances may make expedient.

Consolidated
Stock to be
issued in Eng-
land.

8. When borrowing shall be upon Consolidated Stock, such stock shall be issued in England by the Crown Agents for the Colonies under the provisions of the Act of the Imperial Parliament entitled "The Colonial Stock Act, 1877," upon the best and most favourable terms that can be obtained, and on such other conditions, subject to the provisions of this Law, as the Governor may before the issue thereof from time to time direct.

Governor may
order or autho-
rise :

9. The Governor shall also have and may exercise the following powers and authorities, or any of them :—

Conversion of
debentures into
Consolidated
Stock.

(a) He may from time to time declare all or any of the existing debenture loans of this Colony to be convertible into Consolidated Stock of such denominations and on such conditions as he may before the creation thereof from time to time determine.

Creation and
issue of Consoli-
dated Stock in
exchange for
other securities.

(b) He may authorise the creation and issue of such an amount of Consolidated Stock in exchange for the securities held for such loans as may be necessary.

Consolidated Stock.

- (c) He may authorise the creation and sale of any such Consolidated Stock for the purpose of raising money, for redeeming any outstanding loans, and in paying any expenses in the creation of Consolidated Stock, and otherwise carrying out the provisions of this Law, on such conditions as he may determine. Creation and sale of Consolidated Stock to raise loans and other purposes.
- (d) Any conversion so authorised may be effected either by arrangement with the holders of existing securities, or by purchase thereof out of moneys raised by the sale of new Consolidated Stock, or partly in one way and partly in the other. Arrangements for conversion.
- (e) Any power of this section conferred on the Governor may be exercised from time to time, and he may alter any conditions as often as occasion shall require, provided that no contract or engagement previously entered into shall be prejudicially affected thereby. Governor may exercise powers at any time.

10. Nothing in this Law contained shall authorise an increase of the capital or of the annual charge on any loan, except that when securities exchanged for Consolidated Stock bear a higher rate of interest than the Consolidated Stock, an additional amount of Consolidated Stock may be created and issued to make up the difference in saleable value between the securities and the Consolidated Stock. Exchange of securities for Consolidated Stock.

11. All Loans raised under the authority of any such Law as is in the first section mentioned, and all existing Loans converted into Consolidated Stock, and interest thereon, and all charges and expenses incurred in carrying out the provisions of this Law, or any agreement made in pursuance thereof, shall be chargeable upon and payable out of the revenue of this Colony. Loans to be chargeable upon the revenue of the Colony.

12. The Governor, with the approval of the Secretary of State, may from time to time enter into such agreement with the Crown Agents as to the Governor may seem fit, providing for all or any of the following things :— Creation, inscription, issue, conversion, and transfer of Consolidated Stock.

- (1) For inscribing Consolidated Stock in the books of such Agents.
- (2) For managing the creation, inscription, and issue of Consolidated Stock.
- (3) For effecting the conversion of Loans into Consolidated Stock, and managing transfers thereof.
- (4) For paying interest on Consolidated Stock.
- (5) For issuing Consolidated Stock certificates to bearer, and as often as occasion shall require, re-issuing or re-inscribing Consolidated Stock, and re-issuing Consolidated Stock certificates.
- (6) And for the remuneration of such Agents in respect of any such agreements.

13. Every agreement made in pursuance of this Law shall be as valid and effectual as if the terms thereof had been herein embodied. Agreements.

Consolidated Stock.

Converted debentures to be cancelled.

Sinking Fund. Trustees to apportion amount released by conversion.

Trustees to make award in writing.

Securities released by conversion, how disposed of.

Law 35, 1880, Amended Law 9, 1882, Sec. 1.

Short title. Commencement of Law.

14. The debentures issued under any of the Laws enumerated in the Schedule to this Law annexed, and exchanged or otherwise converted into Consolidated Stock, shall be forthwith cancelled by the Crown Agents, and transmitted to the Colonial Treasurer, and the Trustees appointed by Section 12 of the Consolidated Loan Law, No. 16 of 1871, shall determine what amount of the Sinking Fund held by them and created for the repayment of such debentures shall be released, and in the determination of such question, the Trustees shall take into consideration the value of the whole investments held by them on account of such Sinking Funds, the amount of the debt remaining in charge on such Sinking Funds, and such other matters as the Trustees think fit to take into account.

15. The Trustees shall make any and every such determination as aforesaid by any award in writing, and they shall transmit such award, as soon as conveniently may be, to the Colonial Secretary of Natal for the time being.

16. The debentures and other securities thus set free shall be held to a separate account by the Trustees, and shall be disposed of by them in such manner as the Legislature of Natal may by Law determine.

17. Sections 11 to 18 inclusive of the Law No. 35, 1880, relating to a Sinking Fund to be created for the repayment of the Loans to be raised under the said Law, shall not apply or extend to any moneys raised under the said Law after the coming into effect of this Law.

18. This Law may be cited as "The General Loan Law, 1882," and shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

SCHEDULE.

Law No. 8 of 1860.

Law No. 15 of 1864.

Law No. 16 of 1871.

Law No. 5 of 1875.

Laws No. 1 and No. 19 of 1876.

Given at Government House, Natal, this 4th day of September, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Savings Bank.

LAW No. 11, 1882.

(Signed) HENRY BULWER.

*To repeal and re-enact, with certain amendments, the "Government Savings Bank Law, 1868."*Amended by
Law 7, 1884.

WHEREAS by Law No. 7, 1868, entitled the "Government Savings Bank Law, 1868," it is declared expedient to afford facilities for the deposit of small savings, and to give the direct security of the Colonial Revenue to every depositor for repayment of all moneys deposited, together with the interest due thereon :

Preamble.

And whereas it is expedient to repeal the said recited Law No. 7, 1868, and re-enact the same with certain amendments :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Law 7, 1868, entitled the "Government Savings Bank Law, 1868," shall be and the same is hereby repealed : Provided, nevertheless, that nothing herein contained shall invalidate or annul any payments made or receipts given or any proceedings had or taken or entered into under the authority of the said Law hereby repealed.

Law 7, 1868,
repealed.

2. The Colonial Treasurer and such Resident Magistrates or other officers as the Governor may appoint, shall receive deposits at their respective offices from any friendly, benevolent, or charitable society, from tradesmen, mechanics, servants, labourers, children, natives, and other persons, at their discretion, and may reject or refuse to receive deposits in all cases in which they shall think fit so to do,

The Colonial
Treasurer, and
such Resident
Magistrates or
other officers
appointed by
the Governor,
may receive
deposits.

3. The Colonial Treasurer and such other officer as may be appointed to receive deposits may also receive such deposits from any person who may be duly appointed to act as curator or guardian of or for any other person disabled by idiocy, lunacy, or unsoundness of mind or minority, and allow interest and make payments as in the case of ordinary depositors, and the receipt of such person so acting as aforesaid shall be a sufficient discharge.

Colonial Treas-
urer, &c., may
receive deposits
from curator or
guardian of
minor, idiot, or
lunatic.

4. Such deposits shall in no case be less than Two Shillings nor more than Twenty-five pounds on any one day.

Maximum and
minimum deposit
received.

5. The Colonial Treasurer and every officer appointed to receive deposits shall keep a depositors' book, and shall deliver to every depositor a savings bank pass book, and shall at the time of the receipt of any deposit enter in the depositors' book and in the said pass book the amount of each deposit, and attest said entry in every pass book.

Depositors' book
to be kept and
savings bank pass
books issued.

6. Every deposit received by any officer appointed for that purpose shall, upon the day of such receipt, be reported by such officer to the Colonial Treasurer, who shall enter the same in a depositors' book to be opened by him on account of each officer appointed to receive such deposits,

Officer receiving
deposit to report
same to Colonial
Treasurer.

Savings Bank.

Deposits to be paid into Colonial Treasury.

Deficiency in deposit to be made good from Colonial revenue.

Interest on deposits at rate of four per cent.

How to be computed.

Proviso.

Interest to be calculated to 31st December, and added to principal. Interest shall be allowed on total sum, subject to provisions as to withdrawal.

Accounts not affected by addition or withdrawal for seven years to be carried to "Depositors' unclaimed fund."

Manner in which deposits may be withdrawn.

7. All moneys so received by way of deposit shall be received and paid into the Colonial Treasury in the same manner as moneys received on behalf of the Government.

8. If at any time the moneys received under this Law shall be insufficient to meet the lawful claims of depositors, the Governor may, upon being informed thereof by the Colonial Treasurer, authorise by warrant the issue of the amount of such deficiency out of the revenue of the Colony.

9. The interest payable to the parties making such deposits shall be at the rate of four pounds per centum per annum on every complete pound deposited, and shall be computed from the first day of the calendar month next following the day on which a complete pound shall have been deposited, or on which deposits of a less amount shall have made up a complete pound, up to the first day of the calendar month in which moneys are withdrawn: Provided that no depositor shall be entitled to receive interest on any larger sum than one hundred pounds; and provided also, that no depositor shall be entitled to receive interest on any sum deposited for less than four months.

10. Interest on every deposit shall be calculated to the 31st December in every year, and shall be added to and become part of the principal money which may be then standing in the depositors' books to the credit of such depositor, and shall bear interest subject to the provisions of this Law, and interest shall be allowed to him upon the total sum so long as the same shall remain deposited, subject to the provisions herein contained in reference to notices of withdrawal of deposits.

11. All depositors' accounts, not being deposits made on behalf of minors which shall not have been affected by the addition or withdrawal of deposits for a period of seven years and upwards may, with the interest which may have been placed to the credit of such accounts, be balanced and closed, and the balances thereof respectively shall be carried in the names of the respective depositors to an account to be called the "Depositors' unclaimed fund." Deposits and any sum transferred to the "Depositors' unclaimed fund" shall, when duly applied for, be paid thereout to the person entitled to receive the same, but without any interest thereon for the period during which it shall have been so transferred and remained to the credit of such fund.

12. The depositor of any sum of money so deposited, or any person duly authorised by such depositor or his executor or other lawful representative, shall be entitled to claim and receive back such sum of money, together with the interest due thereon, or any part thereof, in the manner and upon the conditions following, that is to say :—

If the claimant thereof shall, at the Colonial Treasury or the office where he has deposited the same, deliver or cause to be delivered to the Colonial Treasurer, or to the officer with whom he had made such deposit, a

Savings Bank.

notice signed with his name, declaring his intention to withdraw such sum at the expiration of seven days from the date of such notice :

Provided the Governor may, upon recommendation of the Colonial Treasurer, dispense with such notice in cases where it may to him appear expedient ; and, on the withdrawal of any money, a receipt shall be signed by the party receiving such money, and such receipt shall be a sufficient discharge to the said Colonial Treasurer and other officers for the sum therein expressed to have been received.

Provido.

13. The Governor may, with the advice of his Executive Council, from time to time, as occasion may require, make, frame, and alter regulations and rules for superintending, inspecting, and regulating the mode of keeping and examining the accounts of depositors and the custody of the money deposited, and also with respect to the making of deposits and the withdrawal of deposits and interest and the postage and other charges to be paid by depositors, and all other matters and things incidental to carrying this Law into execution, and such rules and such regulations, when published in the *Government Gazette*, shall have the force of Law, and copies of all rules and regulations issued under the authority of this Law shall be laid before the Legislative Council within fourteen days from the date thereof, if the Council be then sitting, and if not, then within fourteen days of the next sitting of such Council.

Governor in Council may make rules.

Rules how to be published.

To be laid before Legislative Council.

14. An annual account of all deposits received and paid under the authority of this Law, and of all expenses incurred during the year ending 31st December, together with a statement of the total amount due at the close of the year to all depositors, shall be laid before the Legislative Council in each year.

Annual account to be laid before Legislative Council.

15. The annual account to the 31st December in each year in respect of all moneys received and paid under the authority of this Law, shall annually, prior to the 31st of January in each year, be submitted to the Auditor for examination and audit.

Annual account to be submitted to Auditor.

16. All expenses incurred in carrying this Law into execution shall be paid out of the Colonial Revenue.

Incidence of expenditure.

17. No deposit made under this Law shall be appropriated by the Colonial Government for any debt, claim, demand, or forfeiture, claimable by or due to the Colonial Government, nor shall any depositor be prevented from withdrawing any deposit by reason of any such debt, claim, demand, or forfeiture.

Deposits not to be appropriated by Government, or withheld for any debt, &c.

18. No money deposited under this Law by or on behalf of any Native shall be liable to be seized, retained, or interdicted for the purpose of satisfying any judgment obtained against, or liability incurred by, or fine inflicted upon, the tribe, native village, kraal, or collection of kraals, of which such Native depositor is a member, under the provisions of Law No. 10, 1876, entitled " Law to make provision for the Detection and Punishment of Natives wrongfully and unlawfully Stealing, Killing, Stabbing, or Wounding Cattle, and to make provision with regard to the Removal of Cattle from place to place within the Colony," or otherwise : Provided, however

Deposits not to be seized under Law 10, 1876.

Extradition of Criminals.

that this exemption shall not extend to any liability incurred by such Native depositor himself in respect of any personal and individual responsibility.

Short title and
commencement
of Law.

19. This Law may be cited as the "Government Savings Bank Law of 1882," and shall commence and take effect from and after the 1st day of January, 1883.

Given at Government House, Natal, this 4th day of
September, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 12, 1882.

(Signed) HENRY BULWER.

To repeal and re-enact with amendments Law No. 26, 1878, entitled "Law for the Better Prevention of the Disease in Sheep called Scab."

Repealed by Law 48, 1887.

LAW No. 13, 1882.

(Signed) HENRY BULWER.

To amend the Law relating to the Extradition of Criminals.

Preamble.

WHEREAS it is expedient to amend the Law relating to the apprehension and surrender to the Transvaal State and the Orange Free State of persons accused or convicted of the commission of certain crimes within the jurisdiction of the said States :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Offences to which
Law applies.

1. This Law shall apply to the offences specified in the first schedule hereto.

Fugitive criminals
apprehended
in Natal.

2. Where a person accused of having committed an offence (to which this Law applies) in the Transvaal State or the Orange Free State has left such State, such person (in this Law referred to as a fugitive criminal) if found in this Colony, shall be liable to be apprehended and returned to the State from which he is a fugitive in manner provided by this Law,

Extradition of Criminals.

S. A requisition for the surrender of a fugitive criminal for whose apprehension a warrant has been issued in either of the said States, and who is in or is suspected of being in the Colony, shall be made on behalf of the Government of the State seeking extradition of such criminal to the Colonial Secretary of this Colony. Upon receipt of such requisition the said Colonial Secretary may by order under his hand signify to any Resident Magistrate or Justice of the Peace that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

Requisition for surrender to be made to Colonial Secretary who shall order issue of warrant.

4. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, may be issued

Issue of warrant by Resident Magistrate or Justice of the Peace.

- (1) By a Resident Magistrate or Justice of the Peace on receipt, or upon the publication in the *Government Gazette*, of the said order of the Colonial Secretary, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed, or the criminal convicted in this colony; and
- (2) By a Resident Magistrate or any Justice of the Peace on such information or complaint and such evidence or after such proceeding as would in the opinion of the person issuing the warrant justify the issue of a warrant if a crime had been committed or the criminal convicted in this Colony.

Any person issuing a warrant under this section without an order from the Colonial Secretary, shall forthwith send to the latter a report of the fact of such issue, together with the information or complaint, or certified copies thereof; and the Colonial Secretary may, if he think fit, order the warrant to be cancelled, and the person who has been apprehended to be discharged.

5. Every warrant for the apprehension of any fugitive criminal shall command that he be brought before some Resident Magistrate. Where the warrant has been issued without the order of the Colonial Secretary, the Resident Magistrate shall order the discharge of the fugitive criminal unless, within such time as having reference to the circumstances of the case he may consider reasonable, the said Resident Magistrate receives from the Colonial Secretary the order mentioned in the fourth section of this Law.

Prisoner to be brought before Resident Magistrate.

6. When a fugitive criminal is brought before the Resident Magistrate, the said Magistrate shall hear the case in the same manner and have the same jurisdiction and powers as near as may be as if the prisoner were brought before him charged with an indictable offence committed in the Colony.

Hearing of the case.

7. In the case of a fugitive criminal accused of the commission of any crime or offence to which this Law applies, if the warrant of the State making the requisition is duly authenticated, and such evidence is produced as (subject to the provisions of this Law) would according to the Law of the Colony justify the committal for trial of the prisoner if the crime of which he is accused had been committed in the Colony, the Resident Magistrate shall commit him to prison, but otherwise shall order him to be discharged. In the case of a

Committal or discharge of prisoner.

Extradition of Criminals.

fugitive criminal alleged to have been convicted of the commission of any such crime or offence, if such evidence is produced as (subject to the provisions of this Law) would according to the Law of the Colony prove that the prisoner was convicted of such crime, the Resident Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

Gaol.

8. If the fugitive criminal is committed to prison he shall be committed to the principal gaol of the district, there to await the warrant of the Governor for his surrender. The Resident Magistrate shall forthwith send a certificate of the committal to the Governor, with such report thereon as he may think fit.

Surrender of
fugitive to
requisitioning
State by warrant
of Governor.

9. Upon production of the certificate of committal it shall be lawful for the Governor, by warrant under his hand and the public seal of the Colony, to order the fugitive criminal to be surrendered to such person as may in his opinion be duly authorised by the State from which the requisition for the surrender proceeded, to receive the fugitive criminal, and such fugitive criminal shall be surrendered accordingly. It shall be lawful for the person to whom such warrant is directed to receive, hold in custody, and convey the criminal mentioned in the warrant within the jurisdiction of the State to which he has been surrendered. The gaoler, or other chief officer of any gaol, on request of any person having the custody of a fugitive criminal under such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive criminal and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant. If the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the Laws of the Colony may be retaken.

Discharge of
persons apprehended
if not
conveyed out of
the Colony within
two months.

10. Where any person who shall have been committed under this Law to remain until delivered up pursuant to requisition, shall not be delivered up pursuant thereto within one month after such committal, it shall in every case be lawful for the Supreme Court of this Colony, upon application by or on behalf of any person so committed, and after notice of the intention to make such application has been given to the Attorney-General, to order the person so committed to be discharged out of custody unless sufficient cause is shown to the contrary.

Depositions to
be evidence.

11. Depositions or statements on oath taken in either of the aforesaid States, whether taken in the presence of the fugitive criminal or not, and copies of such original depositions or statements, and certificates of or judicial documents stating the fact of conviction may, if duly authenticated, be received in evidence in proceedings under this Law.

Authentication
of depositions
and warrants.

12. Warrants of the said States and depositions or statements on oath and copies thereof shall be deemed duly authenticated for

Extradition of Criminals.

the purposes of this Law, if authenticated in manner provided for the time being by law, or if authenticated as follows :—

- (1) If the warrant purports to be signed by a Judge, Magistrate, or other officer of the State where the same was issued, authorised by law to issue warrants ;
- (2) If the depositions or statements on oath, or the copies thereof, purport to be certified under the hand of a Judge, Magistrate, or officer of the State where the same were taken, to be the original depositions and statements, or to be true copies thereof, as the case may be ;
- (3) If the certificate of or judicial document stating the fact of conviction purports to be certified by a Judge, Magistrate, or officer of the State, where the conviction took place ; and

if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of some officer of the Government of the State from which the requisition for surrender proceeded ; and all Courts of Justice and Magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

13. The forms set forth in the second schedule to this Law, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

As to use
of second
schedule.

14. This Law shall take effect so far as concerns the surrender of fugitive criminals to the Transvaal State and the Orange Free State respectively, so soon as the Governor shall by proclamation in the *Government Gazette* of the Colony declare and make known that the said States have respectively made due provision for the surrender of fugitive criminals who have escaped to either of the said States from this Colony ; and from and after the date of each such proclamation the Laws mentioned in the third schedule hereto shall, as to the State named herein, be and the same are hereby respectively repealed : Provided that such repeal shall not affect any warrant duly granted or issued, or anything done or suffered, or any legal proceeding or remedy in respect of any such warrant, or in respect of any liability or penalty incurred previously to such repeal ; and any such warrant may be executed, and any such legal proceeding or remedy may be carried out, as if this Law had not been passed.

Commencement
of Law.

Repeal of Laws in
third schedule.

Proviso.

15. In the interpretation of this Law, the term "Transvaal State" shall mean the territory otherwise known as the "South African Republic," by whatever name the said territory shall now or hereafter be designated.

Definition of
term "Trans-
vaal State."

16. This Law may be cited for all purposes as the "Extradition Law, 1882."

Short title.

*Extradition of Criminals.**Of Apprehension by order of the Colonial Secretary.*

Constables, Police Officers, and other Officers
or to the execution of Criminal Warrants.

able the [Colonial Secretary] by order under
to me [or has notified] that requisition has
a surrender of _____ late of _____
of the commission of the crime of _____
of the _____ State : And whereas I have
conditions of the Extradition Law, 1882,
this warrant, have been duly complied with :
command you in Her Majesty's name, forth-
said _____ pursuant to "The Extradition
he may be found within the limits of the
bring him, or cause him to be brought, before
te for the district of _____, to show cause
surrendered in pursuance of the said Extradi-
this shall be your warrant.

and at _____ this _____ day of _____

Resident Magistrate
of the Peace] for the District of _____

Of Apprehension without order of the Colonial Secretary.

ts, Constables, Police Officers, and other Officers
proper to the execution of Criminal Warrants.

been shown to the undersigned _____ Resi-
[or Justice of the Peace] for the district of _____
ate of _____, is accused [or convicted] of the
the crime of _____, within the jurisdiction of
this is, therefore, to command you in Her Majesty's
to apprehend the said _____, and to bring
him to be brought, before the Resident Magistrate
ct of _____, to be further dealt with according to
this shall be your warrant.

der my hand at _____, this _____ day of _____

Resident Magistrate
[or Justice of the Peace] for the District of _____.

Extradition of Criminals.

FIRST SCHEDULE.

Crimes.

Abduction.

Abortion.

Arson.

Indecent assault on the person of a girl under the age of twelve years.

Assault with intent to do grievous bodily harm.

Bigamy.

Child stealing.

Culpable homicide.

Coining, or uttering counterfeit or altered coin.

Deserting from any defensive force.

Falsity. Forgery or uttering a forged document.

Fraud.

Offences under any Law relating to the dealing in Gunpowder or Firearms.

Housebreaking (including the breaking into any office, store, or hut), with intent to commit any crime.

Incest.

Fradulent insolvency.

Malicious injury to property.

Murder, or attempt to commit murder.

Perjury or subornation of perjury.

Rape and assault with intent to commit rape.

Any act done with intent to do injury to person or property on any Railway.

Robbery.

Theft, including theft by means of false pretences, and theft by means of embezzlement.

SECOND SCHEDULE.*Form of Order for issue of Warrant of Apprehension.*

Forms.

To the Resident Magistrate [or ——— Esquire, Justice of the Peace] for the district of ———.

Whereas a requisition has been made to the Government of the Colony of Natal by the Government of the ——— State for the surrender of ———, late of ———, accused [or convicted] of the commission of the crime of ——— within the jurisdiction of the said State : Now I hereby, by this my order, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of the said ———, provided that the conditions of the "Extradition Law, 1882," relating to the issue of such warrant, are in your judgment complied with.

Given under my hand at Pietermaritzburg, this ——— day of ——— 18—.

.[Colonial Secretary.]

*Extradition of Criminals.**Form of Warrant of Apprehension by order of the Colonial Secretary.*

To the Field-cornets, Constables, Police Officers, and other Officers of the Law proper to the execution of Criminal Warrants.

Whereas the Honourable the [Colonial Secretary] by order under his hand has signified to me [or has notified] that requisition has been duly made for the surrender of _____ late of _____ accused [or convicted] of the commission of the crime of _____ within the jurisdiction of the _____ State : And whereas I have satisfied myself that the conditions of the Extradition Law, 1882, relating to the issue of this warrant, have been duly complied with : This is, therefore, to command you in Her Majesty's name, forthwith to apprehend the said _____ pursuant to "The Extradition Law, 1882," wherever he may be found within the limits of the Colony of Natal, and bring him, or cause him to be brought, before the Resident Magistrate for the district of _____, to show cause why he should not be surrendered in pursuance of the said Extradition Law : for which this shall be your warrant.

Given under my hand at _____ this _____ day of _____ 18____.

Resident Magistrate
[or Justice of the Peace] for the District of _____

Form of Warrant of Apprehension without order of the Colonial Secretary.

To the Field-cornets, Constables, Police Officers, and other Officers of the Law proper to the execution of Criminal Warrants.

Whereas it has been shown to the undersigned _____ Resident Magistrate [or Justice of the Peace] for the district of _____ that _____, late of _____, is accused [or convicted] of the commission of the crime of _____, within the jurisdiction of _____ : This is, therefore, to command you in Her Majesty's name, forthwith to apprehend the said _____, and to bring him, or cause him to be brought, before the Resident Magistrate for the district of _____, to be further dealt with according to law : for which this shall be your warrant.

Given under my hand at _____, this _____ day of _____ 18____.

Resident Magistrate
[or Justice of the Peace] for the District of _____.

Extradition of Criminals.

Form of Warrant of Committal.

To the Gaoler of the _____ Gaol :

Be it remembered that on this _____ day of _____ 188—, _____ late of _____, is brought before me _____, Resident Magistrate for the district of _____, to show cause why he should not be surrendered in pursuance of The Extradition Law, 1882, on the ground of his being accused [or convicted] of the commission of the crime of _____ within the jurisdiction of _____, and forasmuch as no such sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Law :

This is, therefore, to command you, the said Gaoler, to receive the said _____ into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Extradition Law, for which this shall be your warrant.

Given under my hand at _____ this _____ day of _____ 18—.

Resident Magistrate
for the District of _____.

Form of Warrant of the Governor for surrender of Fugitive Criminal.

WARRANT.

By His Excellency, &c.

To the Superintendent [or keeper] of the _____ Gaol and to _____ (a).

Whereas _____, late of _____, accused [or (a) *Insert convicted*] of the commission of the crime of _____ *name of person authorised by the Foreign State to receive* within the jurisdiction of the _____ State, was delivered into the custody of you (b) _____ the said Superintendent [or keeper] by warrant dated (c) *the criminal.* _____ pursuant to the "Extradition Law, 1882 :—" (b) *Insert name of gaoler.* (c) *Date of*

Now, therefore, I, the Governor aforesaid, do hereby, in pursuance of the said Law, order you, the said Superintendent [or keeper], to deliver the body of the said _____ into the custody of the said (a) _____, and I command you, the said (a) _____, to receive the said _____ into your custody, and to carry him within the _____

Extradition of Criminals.

jurisdiction of the said State, and there place him in the custody of any person or persons appointed by the said State to receive him : for which this shall be your warrant.

Given under my hand and the Public Seal of the
Colony of Natal, at———this———day
of———18——,

Governor.

By command of His Excellency the Governor,

[Colonial Secretary].

THIRD SCHEDULE.

LAWS REPEALED.

Law No. 6, 1871, "Law for facilitating the Apprehension of certain Offenders escaping to this Colony from any Place within the Territories or Dominions of the Republic of the Orange Free State." Laws repealed.

Law No. 7, 1871, "Law for facilitating the Apprehension of certain Offenders escaping to this Colony from any Place within the Territories or Dominions of the South African Republic."

Law No. 14, 1881, Law "To amend and extend the provisions of Law No. 66, 1871, entitled 'Law for facilitating the Apprehension of certain Offenders escaping to this Colony from any Place within the Territories or Dominions of the Orange Free State.'"

Given at Government House, Natal, this 4th day of September, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Community of Goods.—Grey's Hospital.

LAW No. 14, 1882.

(Signed) HENRY BULWER.

Preamble.

To amend the Law No. 22 of 1863, entitled "Law to prevent Community of Goods attaching to certain Marriages, and to enable the Spouses of such Marriages to Devise their Properties."

WHEREAS it is expedient to extend the provisions of the Law No. 22 of 1863, and to solve certain doubts in reference thereto :

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

Law 22, 1863,
may be extended
to any marriage
solemnised in
South Africa.

1. The Law No. 22 of 1863, entitled "Law to prevent Community of Goods attaching to certain Marriages, and to enable the Spouses of certain Marriages to Devise their Properties," shall extend to any marriage already had or to be had in Natal, or elsewhere in South Africa, if the intended spouses, duly assisted if need be by their curators or guardians, by an instrument in writing or antenuptial contract signed by each of them, in the presence of two persons, who shall subscribe their names as witnesses thereto, shall have already expressed and signified, or shall hereafter express and signify, their wish, desire, or intention that the marriage about to be solemnised between them shall be brought within the provisions of the said Law.

Definition of
term "instru-
ment in writ-
ing."

2. The instrument in writing mentioned in Section 7 of the said Law No. 22 of 1863 shall include and mean any such instrument in writing as shall already have been, or may hereafter be, executed by the spouses of the marriages therein mentioned at any time during the existence of any such marriage.

Construction
and commence-
ment of Law.

3. This Law shall be read and construed together with the Laws No. 22 of 1863 and No. 17 of 1871 as one Law, and shall commence and take effect from and after the date of the publication thereof in the *Government Gazette*.

Given at Government House, Natal, this 4th day of September, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 15, 1882.

(Signed) HENRY BULWER.

To amend and extend the provisions of the Law No. 4, 1877, entitled "Law to provide for the Management of Grey's Hospital."

Preamble.

WHEREAS certain powers have been conferred by Law upon the Board of Trustees of Grey's Hospital relative to the leasing of lands vested in the said Trustees :

Grey's Hospital.

And whereas it is expedient to extend the powers so conferred, and further to enable the said Board of Trustees, subject to certain conditions, to alienate and dispose of the lands vested in them, and for these purposes to amend and extend the provisions of the Law No. 4, 1877, entitled "Law to provide for the Management of Grey's Hospital":

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Section 10 of the Law No. 4, 1877, entitled "Law to provide for the Management of Grey's Hospital," shall be and the same is hereby repealed.

Section 10, Law No. 4, 1877, repealed.

2. The Board of Trustees appointed under and by virtue of the Law No. 4, 1877, entitled "Law to provide for the Management of Grey's Hospital," are hereby empowered to lease any lands now, or which at any time hereafter may be vested in the said Trustees, and to apply the rents and profits thence accruing for any of the purposes authorised by the said Law No. 4, 1877: Provided that the said Board shall not demise or lease the said lands, or any part or parts thereof, unto any person or persons for any term or number of years exceeding fifty years; and provided also that all such leases shall be disposed of by public auction after being advertised in three issues of a local newspaper.

Leasing powers of Board of Trustees of Grey's Hospital.

Rents, how to be applied.

Duration and publication of leases.

3. The said Board are hereby authorised to alienate and dispose of by sale by public auction, any lands now or which at any time hereafter may be vested in the said Trustees: Provided that all moneys accruing from such sale shall be invested in first mortgage on immovable property in Natal, or in the public funds of Great Britain or its dependencies, or in the debentures of any Colonial Municipal Corporation; and provided also that the Trustees shall have power from time to time to alter or vary the securities, and that the interest received from such investment shall be applied to a fund for the maintenance, repairs, and other necessary expenditure in and about Grey's Hospital: Provided further that no such lands shall be alienated and no moneys shall be invested as aforesaid, and no change of investment shall be made, without the consent of the Governor in writing to such sale and investment.

Board authorised to sell lands.

Investment of proceeds of sale.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and may be cited for all purposes as the "Grey's Hospital Lands Law, 1882."

Governor's consent necessary.

Commencement and short title of Law.

Given at Government House, Natal, this 4th day of September, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Masters, Servants, and Apprentices.

LAW No. 16, 1882.

(Signed) HENRY BULWER.

To provide for the more effectual Restraint of certain Prisoners.

Repealed by Law 39, 1887.

LAW No. 17, 1882.

(Signed) HENRY BULWER.

To amend the Ordinance No. 2, 1850, entitled "Ordinance for regulating the relative rights and duties of Masters, Servants, and Apprentices."

Preamble.

WHEREAS it is expedient to extend the provisions of the Ordinance No. 2, 1850, entitled "Ordinance for regulating the relative rights and duties of Masters, Servants, and Apprentices," so as to make the said Ordinance applicable to certain civilians in military employ :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

"Servant" to include employees of military authorities not subject to military law.

Vide Ordinance 2, 1850.

Commencement of this Law.

1. Every person, not otherwise subject to military law, employed as a conductor, driver, leader, labourer, or in any such like capacity by the authorities of Her Majesty's land or sea forces, serving within the Colony of Natal, whether such person be employed in or by the Commissariat, Ordnance, or any other Department or Branch of such Forces, or employed by any officer acting on behalf of any such Department or Branch, shall be and is hereby declared to be a person within the meaning of the term "servant," wherever the same occurs in Ordinance No. 2, 1850, entitled "Ordinance for regulating the rights and duties of Masters, Servants, and Apprentices." From and after the coming into effect of this Law the provisions of the said Ordinance shall apply to every such person as aforesaid.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 4th day of September, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Indian Immigrants.

LAW No. 18, 1882.

(Signed) HENRY BULWER.

To authorise and empower the levying and collection of Tolls at certain Bridges.

Repealed by Law 14, 1889.

LAW No. 19, 1882.

(Signed) HENRY BULWER.

To allow the Importation, under certain restrictions, of Empty Cartridge Cases fitted with Percussion Caps.

Repealed by Law 40, 1888.

LAW No. 20, 1882.

(Signed) HENRY BULWER.

To make further Provision as to the Jurisdiction of the Durban Circuit Court.

Repealed by Law 3, 1885.

LAW No. 21, 1882.

(Signed) HENRY BULWER.

To provide for the Visitation and Inspection of Indian Immigrants employed in the Upper Districts of the Colony of Natal.

WHEREAS large numbers of Indian Immigrants are now employed on Farms situated on the Upper Districts of the Colony of Natal :

Preamble.

And whereas, owing to the scattered nature of the population and the long distances to be travelled, the Protector of Immigrants is unable to extend his periodical visitations and inspections to such Indian Immigrants :

And whereas it is expedient that a Deputy Protector be appointed to visit and inspect such Indian Immigrants, and to exercise over them certain judicial and other powers vested by Law in the Protector of Immigrants :

Indian Immigrants.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Governor may appoint Deputy Protector of Indian Immigrants.

1. The Governor may from time to time nominate and appoint some fit and proper person to be Deputy Protector of Indian Immigrants. Such Deputy Protector shall hold office during pleasure, and shall receive a salary not exceeding £400 per annum, payable from the funds at the disposal of the Indian Immigration Trust Board, in addition to such travelling allowance as may be authorised by the Governor in Council. Such Deputy Protector shall not be deemed to belong to the permanent Civil Service of this Colony within the meaning of the Pension Laws of this Colony.

Station of and authority to be exercised by Deputy Protector.

2. Such Deputy Protector shall be stationed at such place as the Governor shall appoint, and shall have and exercise within the District to which he shall be appointed such and so many of the authorities, rights, and duties, whether administrative or judicial, vested by Law in the Protector of Immigrants, as the Governor in Council may from time to time, and is hereby empowered to, delegate to him.

Deputy Protector to be under orders of Protector of Immigrants.

3. Such Deputy Protector shall be under the orders and control of the Protector of Immigrants, and is hereby required to transmit at the end of each month, or whensoever required by the Protector of Immigrants, a schedule of all complaints heard and determined by him, for submission to the Indian Immigration Trust Board.

Governor in Council may make Rules and Regulations.

4. The Governor in Council may make Rules and Regulations concerning the duties and powers of such Deputy Protector, and the manner in which the same shall be exercised, and generally for the due carrying out of the provisions of this Law. Such Rules and Regulations shall have the same force and effect as if the same were expressly set forth and enacted in this Law.

Governor may appoint officers to carry out provision of Law.

5. The Governor may from time to time appoint such interpreters, clerks, or other officers as may be required to carry out the provisions of this Law, and such officers shall be paid such salaries as may from time to time be determined, from the funds at the disposal of the Indian Immigration Trust Board.

Commencement of Law.

6. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 4th day of September, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Brands or Marks.

LAW No. 22, 1882.

(Signed) HENRY BULWER.

To declare the Law relating to the Fraudulent Marking or Branding of Ostriches and Cattle, and the Fraudulent Obliteration or Alteration of Brands or Marks on Ostriches and Cattle

WHEREAS it is expedient to declare the Law relating to the Fraudulent Marking or Branding of Ostriches and Cattle, and the Fraudulent Obliteration or Alteration of Brands or Marks on Ostriches and Cattle :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Every person who, with intent to defraud, or to enable another to defraud, any person, shall mark or brand, or cause or procure to be marked or branded, any ostrich or cattle, with any mark, brand, or ear-mark, shall be guilty of the crime of falsity.

The fraudulent marking or branding of ostriches or cattle to constitute falsity.

2. Every person who, with intent to defraud, or to enable another to defraud, any person, shall obliterate or alter, or cause or procure to be obliterated or altered, any mark, brand, or ear-mark on any ostrich or cattle, shall be guilty of the crime of falsity.

The fraudulent obliteration or alteration of marks, brands, &c., on ostriches or cattle to constitute falsity.

3. The provisions of the foregoing Section shall not affect the prohibition contained in the proviso attached to Section 18 of the Scab Law, 1882.

Section 18 of the Scab Law, 1882, not affected.

4. All contraventions of this Law shall be prosecuted by indictment, by the Attorney-General, at the suit of the Queen, before the Supreme Court of the Colony of Natal or any Circuit Court in the said Colony having jurisdiction.

Offences, how to be prosecuted.

5. In this Law the word "Cattle" shall be taken and deemed to mean any bull, cow, ox, heifer, or calf, and any goat, ram, sheep, ewe, or lamb, and any horse, mare, gelding, colt, filly, mule, or ass.

Interpretation of word "cattle."

6. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 4th day of September, 1882.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,

Colonial Secretary.

Constitution of Natal.

LAW No. 1, 1883.

(Signed) HENRY BULWER.

Amended by Law
39, 1887, and
Law 8, 1889.*To Amend the Constitution of Natal.*

Preamble.

WHEREAS by the Royal Charter of Natal, bearing date the 15th day of July, 1856, it is provided, in the 51st Section thereof, that it shall be lawful for the Governor, with the advice of the Legislative Council to be constituted thereunder and by virtue thereof to repeal, alter, or amend all or any of the provisions made by or in virtue thereof, and to substitute other provisions in lieu thereof, under certain reservations, amongst others that every Law altering the respective numbers of the elective and non-elective members of the Legislative Council shall be reserved for the signification of Her Majesty's pleasure with respect thereto :

And whereas by Law No. 1, 1873, Section 1, it is provided and enacted that the Legislative Council of Natal shall consist of twenty members, of whom fifteen shall be elective and five non-elective :

And whereas it is expedient to increase the number of members of the Legislative Council ; and for such purposes to amend the said Charter and the said recited Law :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Law may be cited as the "Constitution Amendment Law of 1882."

Save so far as
in conflict,
former Laws
and Charters
remain in force.

2. Save so far as in conflict with this Law, all former Laws and Charters now existing shall be deemed to remain in force.

Amendment of
Law 1, 1873, as
to constitution
of Legislative
Council.

3. The Law No. 1, 1873, shall be and the same is hereby amended by substituting thirty instead of twenty as the total number of members of the Legislative Council of Natal, of whom twenty-three shall be elective and seven shall be non-elective.

Repeal of Clause
2 of Law 1, 1873.

4. Clause 2 of Law 1 of 1873 (except in so far as it repeals Clause 10 of the said Charter) is hereby repealed.

Number of elec-
tive members
and districts for
which to be
elected.

5. The twenty-three elective members shall be chosen by the electors of the following ten electoral districts :—

	Electoral Districts.	Number of Members.
1.	County of Klip River (exclusive of the Division of Newcastle)	2
2.	Division of Newcastle	2
3.	County of Weenen	2
4.	County of Umvoti	2
5.	County of Pietermaritzburg	3
6.	County of Durban	2
7.	Counties of Alexandra and Alfred	1
8.	County of Victoria	3
9.	Borough of Pietermaritzburg	3
10.	Borough of Durban	3
	Total	23

Vide Law 5, 1889

Constitution of Natal.

6. The eight additional elective members shall, within two months after the promulgation of this Law, be elected in the manner provided by the Charter for filling vacancies of elective seats, until such time as under a general election the return shall be made as elsewhere provided in the Charter.

Additional elective members, how to be elected

7. So soon as the additional elective members to serve in the present Council shall have been returned, the Governor shall be and he is hereby empowered to nominate and appoint two non-elective members, in addition to those who are already members of the Council, to have seats therein. The two additional members shall hold their office during the Royal pleasure; they shall not be members of the Public Service of the Colony; they shall have been on the voters' roll for at least two years immediately prior to their appointment; and they shall possess immovable property, situate within the Colony of Natal, of the value of £1,000, after deducting all mortgages and encumbrances; and such two members shall be subject to the provisions of the 18th and 19th Clauses of the Charter.

Additional non-elective members, how appointed and how to hold office.

Qualifications of the two additional non-elective members.

8. The Legislative Council shall not be competent to proceed to the dispatch of business unless ten members shall be present.

Quorum of Legislative Council.

9. Clause 42 of the Charter shall be and is hereby amended by substituting the word "more" for the word "two."

Clause 42 of Charter amended

10. [Repealed by Law 29, 1887, Sec. 21.]

11. It shall be lawful for the Governor, by proclamation, to appoint in any ward as many polling-places as the circumstances of the ward may appear to require: also to appoint persons to preside at such additional polling-places; and each such person when appointed shall be a Field-Cornet or Officer within the meaning of the 40th section of the Charter.

Governor may appoint any number of polling places in any one ward.

12. If at any time at any election in any of the constituencies there shall be no more candidates than the number of persons to be elected, such candidates, if in other respects competent under the Charter, shall be deemed and declared to be duly elected, without recourse to a poll; and such declaration shall be made by the Resident Magistrate as soon as may be after the expiry of the period in which requisitions are required by the 18th Clause of the Charter to be transmitted to the Resident Magistrate.

When no more candidates than number of persons to be elected, they shall be declared duly elected without recourse to a poll.

13. This Law shall commence and take effect from and after the date of the promulgation of Her Majesty's assent thereto.

Commencement of Law.

Given at Government House, Natal, this 29th day of March, 1883.

By command of His Excellency the Governor,

(Signed) A. H. HIME, Major, R.E.,

Acting Colonial Secretary,

Franchise.

LAW No. 2, 1883.

(Signed) HENRY BULWER.

*To amend the Franchise.***Preamble.**

WHEREAS by the Royal Charter of Natal, bearing date the 15th day of July, 1856, it is provided, in the 51st Section thereof, that it shall be lawful for the Governor, with the advice of the Legislative Council to be constituted thereunder and by virtue thereof, to repeal, alter, or amend all or any of the provisions made by or in virtue thereof, and to substitute other provisions in lieu thereof, under certain reservations, amongst others that every Law altering the respective numbers of the elective and non-elective members of the Legislative Council shall be reserved for the signification of Her Majesty's pleasure with respect thereto :

And whereas it is expedient to amend the Franchise ; and for such purpose to amend the said Charter and subsequently enacted Laws :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Law may be cited as the "Franchise Amendment Law of 1882."

Save so far as in conflict, former Laws and Charters remain in force.

2. Save so far as in conflict with this Law, all former Laws and Charters now existing shall be deemed to remain in force.

Qualifications of electors.

3. Every male inhabitant, of three years' residence in the Colony of Natal, whose income, inclusive of allowances, is equal to £8 per month, or £96 per annum, who may be disqualified as an elector under the Charter of Natal on the sole ground of his not possessing the property or rental qualification required by the eleventh clause of said Charter, may cause himself to be enrolled by the Field Cornet of his Borough or Ward on the list of men qualified to vote for members of the Legislative Council.

Electors qualified under this Law, how to claim franchise.

4. Every person claiming the franchise under the last preceding section, shall deliver to the Field Cornet of the Borough or Ward in which he resides (or other person who may be specially appointed for the purpose) in the month of June in each year in which the franchise may be claimed under this Law an application following as near as may be the form given in the Schedule hereto annexed, and such application shall be signed by the applicant, and shall set out his full name, place of abode, and business or quality, and shall also set out that the applicant is a British subject, or, as the case may be, a naturalised alien, and shall also contain a statement that the applicant has resided in the Colony of Natal for the period of three years, and in the said Borough or Ward for at least six months out of the previous seven months, and that his income, inclusive of allowances, is equal to £8 per month, or £96 per annum. Any

Franchise.

such applicant who shall wilfully make a false statement in the said application shall forfeit One Hundred Pounds, and be for ever disqualified from voting at any election within this Colony.

5. On receipt by the Field Cornet (or other person who may be specially appointed for the purpose) of applications made in terms of this Law, he shall enrol the names of the applicants on the list required by the 38th Section of the said Charter, and shall enter the qualification of each such applicant as that of a lodger.

6. No person belonging to a class which is placed by special legislation under the jurisdiction of special courts, or is subject to special laws and tribunals, shall be entitled to be placed on the Voters' List, or to vote at the election of any member of the Legislative Council: Provided that any such person may be exempted from the operation of this clause by letters of exemption granted to such person by the Governor of the Colony: Provided further, however, that no such letters of exemption shall be granted except upon an application, both written in English or Dutch and signed in European characters by the applicant in the presence of a Resident Magistrate, a Justice of the Peace, or other person appointed for this purpose by the Governor, showing to the satisfaction of the Governor that the applicant is a British subject, or a naturalised alien, that he has resided in the Colony for three years, and in the same Borough or Ward for six months out of seven months preceding the date of application, and that he has not been convicted of any treason, felony, or infamous offence, or that, if convicted, he has received a free pardon: Provided such applicant shall have the qualification required by the Charter of Natal or by the 3rd Section of this Law, and shall, if a Native, have been exempted from the operation of Native Law. If any person shall in such application make any wilfully false statement, such person shall forfeit One Hundred Pounds, and be for ever disqualified as an elector of Natal.

7. This Law shall be construed conjointly with the Charter of Natal, and all clauses of such Charter repugnant to this Law shall be and the same are hereby repealed.

8. This Law shall commence and take effect from and after the date of the promulgation of Her Majesty's assent thereto.

SCHEDULE.

To the Field Cornet of the Borough of _____ (or
as the case may be, of Ward No. _____ of the Electoral District
of _____), Natal.

SIR,—I request that you will enter my name in the list, to be prepared by you in terms of the 38th Section of the Charter of Natal, of men qualified to vote for members of the Legislative Council.

I am a British subject, or (as the case may be) a naturalised alien,

Instructions to
Field Cornets
in making up
Voters' Lists.

Persons subject
to special laws
and tribunals not
entitled to vote,
unless they pos-
sess letters of
exemption
granted by
Governor.
Letter of exemp-
tion, how ob-
tainable.

Applicant also
to possess quali-
fication required
by Charter or by
3rd Section of
this Law.
Penalty for
making any false
statement.

This Law to be
construed with
Charter.

Commencement
of Law.

Schedule.

Durban Borough Loan.

I have resided in this Colony years, and in your Borough (or Ward) for six months out of the last seven months.

My income, inclusive of allowances, is equal to £8 sterling per month, or £96 per annum.

My full name is.....

My place of abode is

My business or quality is

My qualification is that of a lodger.

(Signature.)

Dated this day of 18 .

Given at Government House, Natal, this 29th day of March, 1883.

By command of His Excellency the Governor,

(Signed) A. H. HIME, Major, R.E.,
 Acting Colonial Secretary.

LAW No. 3, 1883.

(Signed) HENRY BULWER.

*Vide Laws 27,
1884, 23, 1884,
23, 1888.*

To enable the Town Council of the Borough of Durban to increase the Borough Debt.

Preamble.

WHEREAS it is expedient to increase the borrowing powers of the Town Council of the Borough of Durban :

And whereas the present statutory debt of the Borough is £82,200, and a further sum of £110,000 is required for public works within the Borough, and other public purposes of the Borough, and for paying off moneys borrowed in anticipation of this Law:

And whereas it is expedient to authorise the borrowing by the said Town Council of the said sum of £110,000, upon condition that the said sum of £110,000, and any future loan or loans which may be authorised by law, shall rank concurrently after the existing debt of £82,200 :

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

*Town Council
authorised to
borrow £110,000,
for public pur-
poses.*

1. The Town Council of the Borough of Durban are hereby authorised to borrow from time to time the moneys required for public works within the Borough, and other public purposes of the Borough, and for paying off moneys borrowed in anticipation of this Law, to an amount of £110,000,

Durban Borough Loan.

2. The moneys borrowed under this Law shall be applied to the objects mentioned in the last preceding Section, and to no other purpose.

Moneys borrowed to be applied to purposes mentioned in Sec. 1.

3. The sums authorised to be borrowed under this Law, and the interest payable thereon shall be a charge upon the rates, rents, and revenues of the Borough, ranking after the present Borough Debt of £82,200, and ranking concurrently with any future loans or loan which may be hereafter authorised by the Legislature of Natal.

Loan to be charged upon the rates, rents, and revenues of the Borough, ranking after present Borough Debt.

4. In case the interest payable on any moneys borrowed under this Law shall be in arrears and unpaid for thirty days after the time appointed for the payment thereof, and after demand made, it shall be lawful for the Supreme Court of the Colony of Natal, as often as such default shall occur, at the instance of any person whose interest shall be in arrear, to cause a Special Rate to be levied upon the real or immovable property situated within the Borough, which is now, or may hereafter be, liable to be rated for Municipal purposes under Law 19, of 1872, to the intent that all arrear interest may be paid out of the proceeds of such Special Rate.

In case of interest being in arrear, Supreme Court can cause Special Rates to be levied upon immovable property in the Borough for payment thereof.

5. The moneys borrowed under this Law shall be repayable within fifty years from the date of borrowing.

Money borrowed to be repayable within 50 years.

6. In case any moneys borrowed under this Law shall not be repaid upon demand at or after the day fixed for the payment thereof, it shall be lawful for the said Supreme Court, as often as such default shall occur, and at the instance of any person whose claim shall be unsatisfied, to cause a sale or sales to be made of so much of the Town Lands of the Borough as may be necessary for the purpose of raising and paying the moneys due and payable in terms of this Law, and in case the moneys received by such land sales shall be insufficient to pay and satisfy all moneys due and payable, then the deficiency shall be made good by a special rate or special rates to be levied in the manner hereinbefore provided with respect to the payment of arrear interest.

If moneys not repaid at date fixed, Supreme Court can order sale of Town Lands in satisfaction of claim, and if proceeds insufficient can order levying of Special Rate for payment of deficiency.

7. Nothing in this Law contained shall prevent the sale of Town Lands of the Borough, with the consent of the Governor, and in terms of Law 19 of 1872; but in case of sales of land after the passing of this Law, one-fifth of the nett proceeds of each sale shall be used for the purchase and cancellation of Stock authorised by this Law, or of debentures now outstanding in connection with the said existing debt of £82,200.

One-fifth of net proceeds of sales of Town Lands, after passing of this Law, to be used for purchase and cancellation of Stock under this Law, or of debentures of existing debt.

8. The moneys hereby authorised to be borrowed shall be raised upon Stock to be called "The Durban Corporation Stock." hereinafter referred to by the word Stock.

Moneys under this Law to be raised on Stock called "The Durban Corporation Stock."

9. Such Stock shall be issued by crediting the purchaser thereof, for such sum thereof as he shall purchase, in a set of books to be kept for that purpose by the Treasurer of the Borough in the Town of Durban.

Mode of issuing Stock.

Durban Borough Loan.

Interest on Stock not to exceed 6 per cent. per annum, payable half-yearly out of rents, rates, and general revenues, or out of proceeds of sales of Town Lands.

Stock under this Law transferable

Reserved price to be fixed for Stock disposed of.

The Mayor, authorised by resolution of Council, to instruct Treasurer as to issue and registration of Stock, payment of interest, &c.

Short title, and commencement of Law.

10. Such Stock shall bear interest at a rate not exceeding six per centum per annum, payable out of the rents, rates, and general revenues of the Borough, or out of the proceeds of sales of land, on the Thirtieth day of June, and the Thirty-first day of December, or as soon thereafter as demand shall be made therefor by the lawful holder of such Stock to said lawful holder, or his duly authorised attorney, and such payment shall be made by the said Treasurer.

11. Said Stock shall be transferable by transfer in the books in which the same shall be entered, and every person to whom any such credit as aforesaid shall have been given in the said books in the first instance, or to whom any such transfer shall thereafter have been made in the said books, shall be entitled to require and demand of the said Treasurer and the said Treasurer shall in each case issue a receipt or certificate stating the amount of such Stock outstanding to the credit of said person in the said books.

12. Said Stock shall be disposed of for the best terms which can be obtained (not below a reserved price to be from time to time fixed by resolution of the Town Council of the Borough).

13. The Mayor of the Borough, when thereto authorised by resolution of the Town Council, may from time to time give to the Treasurer of the Borough such instructions as to the Mayor seem fit, providing for all or any of the following things :—

1. For registering Stock in the books to be kept for that purpose by the said Treasurer.
2. For managing the creation, registration, issue and transfer of Stock.
3. For paying interest on Stock.
4. For issuing Stock certificates.

14. This Law may be cited as the "Durban Loan Law of 1883," and shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 15th day of October, 1883.

By command of His Excellency the Governor,

C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 4, 1883.

(Signed) HENRY BULWER.

For making Further Provision for the Service of the Year 1882.

LAW No. 5, 1883.

(Signed) HENRY BULWER.

For making Further Provision for the Service of the Year 1883.

Increase of Salary to Sir Henry Connor.

LAW No. 6, 1883.

(Signed) HENRY BULWER.

For providing a sum not exceeding £762,148 18s. 2d., for the Public Service of the Colony during the Year 1884.

LAW No. 7, 1883.

(Signed) HENRY BULWER.

To increase the Salary of Sir Henry Connor, Knight, Chief Justice of the Colony of Natal.

WHEREAS it is advisable to increase the salary attached to the office of Chief Justice of the Colony of Natal, during the tenure of the said office by Sir Henry Connor, Knight, and to increase the pension payable to him on his retirement :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. There shall be paid to Sir Henry Connor, Knight, during the period of his tenure of the office of Chief Justice of the Colony of Natal, the yearly salary of One Thousand Five Hundred Pounds sterling.

Increase of Sir Henry Connor's salary to £1,500 per annum.

2. Upon the retirement of Sir Henry Connor, Knight, from his office of Chief Justice of the Supreme Court of the Colony of Natal, the Governor of the said Colony shall be authorised and required to pay out of the general revenue of this Colony to the said Sir Henry Connor, Knight, for the remainder of his natural life, a pension of One Thousand Pounds per annum, payable monthly.

Upon retirement, Sir Henry Connor to receive a pension of £1,000 per annum.

3. So much of the Laws 11, 1876, and 12, 1876, as are inconsistent with the provisions of this Law shall be and are hereby suspended during the continuance of Sir Henry Connor, Knight, on the Bench of this Colony, and in so far as they affect the pension of the said Sir Henry Connor, Knight, they shall be and the same are hereby repealed.

Amendment and repeal of Laws inconsistent with this Law.

4. This Law shall commence and take effect from and after the publication in the *Natal Government Gazette* of Her Majesty's confirmation thereof or assent thereto.

Commencement of Law.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) O. B. H. MITCHELL,

Colonial Secretary.

Trigonometrical Survey.

LAW No. 8, 1883.

(Signed) HENRY BULWER.

*To make provision for a Trigonometrical Survey of the Colony of Natal.***Preamble.**

WHEREAS it is expedient to make provision for the preparing, making, and performing of certain surveys connected with a Trigonometrical Survey of the Colony of Natal :

And whereas, by a Respectful Address to the Governor passed by the Legislative Council on the Fifteenth day of December, 1880, the Council did approve of the insertion in the Supply Bill for 1881 of an item of £2,000 towards a Trigonometrical Survey of the Colony :

And whereas, in pursuance of the said Address, the Governor has entered into arrangements with Her Majesty's Government for the employment of a detachment of Royal Engineers for the purpose of making a Trigonometrical Survey of the Colony :

And whereas it is necessary to acquire power to enter upon lands in the Colony for the purpose of preparing, making, and performing the said Surveys, and erecting beacons on some of said lands :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Officers appointed by Governor to make surveys to have power to enter upon lands for purposes of survey, and to take material for erecting or preparing signals or beacons.

If injury done to cultivated land, owner entitled to compensation.

Penalty for injuring, removing, or destroying signals or beacons.

1. The Governor may nominate and appoint such Engineers, Surveyors, and other persons as may be required to prepare, make, and perform such Surveys ; and it shall be lawful for such Engineers, Surveyors, and other persons so appointed, by themselves, their servants, horses, wagons, or other vehicles, and the animals drawing the same, to enter upon any land, whether belonging to the Crown or a private individual, for any purpose connected with the making of such Surveys, and to erect and maintain thereon any signals or beacons for the purpose of a Trigonometrical Survey of the Colony or any part thereof ; and it shall also be lawful for any of the officers or their servants employed in such Survey to take material for the purpose of erecting or repairing any signal or beacon required in connection with the Survey : Provided that no injury be done thereby to any land which has been improved by cultivation or otherwise, or if such injury be done, then the owner or owners shall be entitled to compensation, such compensation to be determined in the manner hereinafter set forth.

2. If any person shall unlawfully and wilfully injure, remove or destroy, or cause to be injured, removed, or destroyed, any signal or beacon erected for any of the aforesaid purposes, whether such signal or beacon be upon his own property or not, he shall be liable to a fine not exceeding Fifty Pounds Sterling, and in case of non-payment thereof, to imprisonment, with or without hard labour, for any term not exceeding three months.

Trigonometrical Survey.

3. If any person shall obstruct, hinder, or prevent any person duly authorised by the Governor in that behalf, or the servants, horses, wagons, or other vehicles employed in the works, and the animals drawing the same, from entering upon land for any of the aforesaid purposes, or from erecting, examining, or repairing any signals or beacons as aforesaid, or from doing what may be required for the purpose of such Survey as aforesaid, he shall be liable to a fine not exceeding Twenty Pounds Sterling, and in default of payment thereof, to imprisonment with or without hard labour for any term not exceeding Two Months.

Penalty for obstructing officers, &c., engaged in survey.

4. Any Engineer, Surveyor, or other person who shall be so appointed under the provisions of this Law, may, upon giving not less than twenty-four hours' notice to the registered proprietor, if resident within the Colony, and if not so resident, then to his agent if possible, or the occupier, enter upon any lands upon which he may deem it necessary to enter for the purposes of surveying, and to do all acts necessary for the purpose of such Trigonometrical Survey: Provided that any such notice shall not hold good for more than one month; and provided that compensation be made to the owner or occupier thereof for any damage thereby occasioned, the amount of such compensation to be decided by the Resident Magistrate of the County or Division, whose decision shall be final: due notice of the Magistrate's inquiry into the claim to be previously given to the Surveyor by the complainant; and upon the day fixed in such notice the Magistrate may determine and decide upon the amount of compensation to be paid in respect of any such damage, and may award the amount of costs incidental to such inquiry, and determine by whom such costs shall be paid. Such compensation, and the costs, if any such should be so awarded against the Colonial Government, shall be a charge upon and be defrayed out of the General Revenue of the Colony.

Right of entry upon lands on notice given.

How compensation for any damage occasioned is to be ascertained.

5. The Governor is authorised and empowered to pay out of the General Revenue, subject to the vote of the Legislative Council, all salaries and expenses necessarily incurred in and about the preparation, making, and performing of such Surveys.

Authorisation of necessary expenditure.

6. All contraventions of this Law may be prosecuted before the Court of the Resident Magistrate of any Division in which the offender resides; but the person condemned may, if he feels himself aggrieved, appeal to the Supreme Court, or the Circuit Court for the District, as the case may be, first paying the penalty and giving security to the satisfaction of the Resident Magistrate for the costs of the appeal.

Contraventions of this Law, how to be prosecuted.

7. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 12th day of November, 1888.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Amendment of Loan Law, 1882.

LAW No. 9, 1883.

(Signed) HENRY BULWER.

*To Amend the Law No. 10 of 1882, being "The General Loan Law, 1882."***Preamble.**

WHEREAS by Law No. 35, 1880, being "The Natal Loan Law, 1881, for the Extension of Railways, and for other purposes," the Governor is empowered from time to time to borrow upon debentures, or upon such other form of security as he may think preferable, a sum or sums of money for the purposes in the third Section of the said Law mentioned, not exceeding in the whole the sum of £1,600,000, and to employ and empower the Crown Agents for the Colonies to negotiate and effect the loan authorised under the said Law 35 of 1880, the amount so raised to be applied to the various purposes set forth and described in Section 3 of the above recited Law :

And whereas by Section 17 of "The General Loan Law, 1882," it is enacted that Sections 11 to 18 inclusive of the Law No. 35 of 1880, relating to a Sinking Fund to be created for the repayment of the Loan to be raised under the said Law 35 of 1880, shall not extend to any moneys raised under the said Law after the coming into effect of the Law No. 10 of 1882 :

And whereas in terms of Section 18 of "The General Loan Law, 1882," this said Law came into force and effect from and after the promulgation thereof in the *Natal Government Gazette* on the 5th day of September, 1882 :

And whereas in an advertisement issued by the Crown Agents in London, dated the 11th of November, 1882, calling for tenders for the first instalment of £700,000 of the Loan authorised under the said Law No. 35, 1880, it was stated in compliance with the terms of said Law 35, 1880, that for the repayment of this principal sum a Sinking Fund of one per cent. would be formed ; and whereas a sum of £700,000 has been raised under the terms and conditions as to Sinking Fund set forth in said advertisement :

And whereas it is expedient to amend the Seventeenth Section of Law 10 of 1882, in so far as it relates to the sum of £700,000 raised as aforesaid, under and by virtue of the said Law No. 35 of 1880 :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Seventeenth Section of Law No. 10, 1882, is hereby amended in so far as it relates to the said sum of £700,000, raised under Law 35 of 1880, and Sections 11 to 18 inclusive of the said Law 35 of 1880 shall be deemed to apply to the said sum of £700,000 as if Section 17 of Law 10, 1882, had not been passed.

Sec. 17 of Law 10, 1882, partially amended.
Secs. 11 to 18 of Law 35, 1880, to apply to the £700,000 raised under this Law.

Amendment of Loan Law, 1882.—Shipping Casualties.

The Governor is hereby authorised to appropriate and set apart out of the general Revenue of the Colony, and remit to the Crown Agents aforesaid, a sum of money equal to £1 per cent. of the entire amount of the said principal of £700,000 borrowed in terms of the before-mentioned advertisement issued by the Crown Agents for the Colonies, and for the time being owing, in order to form a Sinking Fund for the repayment of the said sum of £700,000, in manner provided in Sections 11 to 18, inclusive, of Law 35 of 1880: Provided, however, that nothing in this Law contained shall apply or extend to any of the remaining portion of the Loan raised, or to be raised under and by virtue of the said Law 35, 1880, beyond the said £700,000 raised in terms of the advertisement of the Crown Agents aforesaid.

Governor authorised to set apart one per cent. per annum to form Sinking Fund for repayment of money borrowed under this Law.

2. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 10, 1883.

(Signed) HENRY BULWER.

To Repeal and Re-enact, with certain amendments, the "Shipping Casualties Law, 1881."

Amended by Law 4, 1884, and vide Law 13, 1888.

WHEREAS it is expedient that the Law of this Colony relating to inquiry into charges of incompetency or misconduct of Masters or Mates or Engineers of Ships, and to inquire into casualties affecting Ships, should be brought into harmony with Imperial legislation on the subject:

Preamble.

And whereas it is expedient to repeal and re-enact with certain amendments the "Shipping Casualties Law, 1881:"

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The said "Shipping Casualties Law, 1881," shall be and the same is hereby repealed: Provided, however, that this repeal shall not affect the past operation of the said "Shipping Casualties Law, 1881," nor anything duly done or suffered under the said Law; nor any penalty, forfeiture, or punishment incurred in respect of any offence committed thereunder; nor any investigation, legal proceedings, or remedy commenced thereunder; and any such investigation, legal proceedings, and remedy may be carried on as if this Law had not been passed.

Repeal of "Shipping Casualties Law, 1881." Proviso.

Shipping Casualties.

Appointment of
Courts of En-
quiry.

2. It shall be lawful for the Governor, in his discretion, to nominate and appoint any of the Judges of the Supreme Court, or any person or persons, to be a Court or tribunal authorised to make inquiry into the several matters and things set forth in the next succeeding section of this Law.

Charges to be
inquired into by
Court.

3. The Court so constituted shall have authority to make inquiries into any charges of incompetency or misconduct on the part of masters, mates, or Engineers of ships, or as to shipwrecks or other casualties affecting ships in the following cases, that is to say :—

- (a) When the incompetency or misconduct has occurred on board of a British ship on or near the Coasts of Natal, or on board of a British ship in the course of a voyage to a port within the Colony of Natal ;
- (b) When the incompetency or misconduct has occurred in any part of the world on board a British ship registered in Natal ;
- (c) When the shipwreck or casualty occurs to a British ship on or near the Coasts of Natal, or to a British ship in the course of a voyage to a port within the Colony of Natal ;
- (d) When the shipwreck or casualty occurs in any part of the world to a British ship registered in Natal ;
- (e) When the master, mate, or engineer of a British ship, who is charged with incompetency or misconduct on board of such British ship is found in the Colony of Natal ;
- (f) When some of the crew of a British ship which has been wrecked, or to which a casualty has occurred, and who are competent witnesses to the fact, are found in the Colony of Natal.

Court to have
same jurisdiction
as Vice-Admi-
ralty Court in
inquiries under
this Law.

Wherever such incompetency, misconduct, shipwreck, or casualty as above recited has occurred, the Court shall have the same jurisdiction as such Court would have had if such incompetency, misconduct, shipwreck, or casualty had occurred within the ordinary jurisdiction of the Vice-Admiralty Court of the Colony, but subject to all provisions, restrictions, and conditions which would have been applicable if they had so occurred : Provided that no inquiry shall be held under this Law into any shipwreck, or casualty, or charge of incompetency or misconduct, which has once been the subject of such an inquiry, and has been reported on by any competent Court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been suspended or cancelled by a Naval Court ; and provided also, that where any inquiry has been commenced in the United Kingdom, no inquiry shall be made in the same case under the authority of this Law in Natal.

No inquiry to be
held under this
Law the subject
of which has
been previously
inquired into by
any competent
Court.

Governor
may appoint
Assessors.

4. In all inquiries conducted under this Law the Governor may appoint one or more person or persons of nautical, engineering, or other special skill or knowledge to act as assessors, and to give their opinions to any such Court on any question asked by or upon any fact submitted to him or them by the said Court. And such

Shipping Casualties.

assessors shall be entitled to put through the President such questions to witnesses as may be necessary to elicit the circumstances under inquiry.

5. Where any such investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, it shall be held with the assistance of not less than two assessors having experience in the merchant service.

Not less than two Assessors in certain cases.

6. The Judges of the Supreme Court shall from time to time make rules and regulations to regulate the proceedings of the Courts established under this Law.

Judges of Supreme Court to make rules for Courts of Inquiry.

7. Every Court established under this Law shall be held with open doors, and parties interested in the proceedings or who may be affected by the finding of the Court, shall be entitled to be represented by counsel.

Court to be held with open doors.

8. The powers of suspending or cancelling the certificate of any master, mate, or engineer of a ship, conferred by the provisions of the Merchant Shipping Acts, 1854 to 1880, upon or after any inquiry or investigation held under the provisions of the said Acts, shall be applicable to and be exercised upon and after any inquiry by any Court or tribunal authorised by this Law. Such power of suspension or cancellation shall be exercised by the Court or tribunal holding the inquiry in the manner provided by section twenty-three of the Merchant Shipping Act Amendment Act, 1862.

Powers vested in Court.

9. Every such Court or tribunal shall, at the conclusion of the case, or as soon after as possible, state, in open Court, the decision to which it may have come with respect to cancelling or suspending certificates, or other the subject matter of the inquiry, and shall, with all convenient despatch, transmit the proceedings in such inquiry, together with their decision, to the Governor; and such Court or tribunal shall in all cases send a full report upon the case, with the evidence, to the Board of Trade, and shall also, if it determine to cancel or suspend any certificate, forward such certificate, or any directions it may have given in reference thereto, to the Board of Trade, with its report, so that the said Board may exercise the powers conferred by paragraph four, section twenty-three, of 25th and 26th Victoria, chapter sixty-three. [Repealed and other provision substituted by Law 4, 1884, Sec. 2.]

Proceedings and judgment.

Report to be sent to Board of Trade.

10. No certificate shall be suspended or cancelled unless a copy of the report, or a statement of the case upon which the investigation is ordered, and of the charge to be inquired into, shall have been furnished to the owner of the certificate before the commencement of the investigation, nor unless one assessor at least express his concurrence in the report. [Added to by Law 4, 1884, Sec. 3.]

Statement of case to be furnished to owner of certificate.

11. Every master or mate or engineer whose certificate is suspended or cancelled in pursuance of this Law, shall upon demand deliver his certificate to such Court or tribunal by which the case is investigated or tried, or if it is not demanded by such Court or tribunal, shall upon demand deliver it to the Board of Trade, or as

Penalty for not delivering certificate.

Shipping Casualties.—Quarantine Law.

such Court or tribunal may direct in writing, and in default shall for each offence incur a penalty not exceeding Fifty Pounds.

Re-hearing of case may be ordered, and final appeal lies to Admiralty Division of High Court of Justice in England.

Proviso.

12. Whenever any inquiry authorised by or in pursuance of this Law has been held, a re-hearing of the case may be ordered, and if an application for such re-hearing has not been made or has been refused, an appeal shall lie from any order or finding of the Court or tribunal holding such inquiry to the following Court, namely, the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice in England: Provided always that no appeal shall lie from any order or finding in any inquiry into a casualty affecting a ship registered in Natal, or from any decision respecting the suspension or cancellation of the certificate of a master, mate, or engineer, unless such certificate has been granted under the authority of the Merchant Shipping Act, 1854, or any Act amending the same, or of the Merchant Shipping Colonial Act, 1869. And such appeal shall be subject to and conducted in accordance with such conditions and regulations as may from time to time be prescribed by general rules made under section thirty of the Merchant Shipping Act, 1876.

Short title and commencement of Law.

13. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and may be cited for all purposes as the "Shipping Casualties Law, 1883."

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 11, 1883.

(Signed) HENRY BULWER.

To Amend the Law No. 10, 1859, relating to the exemption of Her Majesty's Ships of War from the operation of the Quarantine Law, No. 8 of 1858.

Preamble.

WHEREAS it is expedient to repeal Section One of Law No. 10, 1859, entitled "Law to amend the Law No. 8, 1858, entitled 'Law to amend the Law relating to Quarantine,' and to confer upon the Governor in Council certain powers to relax the Quarantine Regulations in the cases of Her Majesty's Ships of War:"

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof as follows:—

Sec. 1 of Law 10, 1859, repealed.

1. Section One of Law 10, 1859, shall be and the same is hereby repealed.

Quarantine Law.—Law of Costs.

2. When any of Her Majesty's Ships of War anchoring or arriving at Port Natal, shall be unable to obtain pratique in consequence of the illness of any person on board any such Ship of War, or shall arrive from or shall have touched at any port declared by the Governor in Council to be an infected port, and shall have undergone examination by the Health Officer or other competent officer acting for him, and upon a report of such examination being made to the Governor in Council, His Excellency shall, if he think proper, direct the local Quarantine Authority to release such vessel or vessels from the performance of quarantine, and thereupon the local Quarantine Authority shall release such vessel absolutely, or upon such conditions as may be approved by the Governor in Council, and shall grant to the Master or person having command of such vessel a certificate in writing of such examination and release. Upon the production of such certificate to the Port Captain, or other Port Official appointed for the purpose, such vessels shall be allowed to communicate with the shore for the purpose of coaling, taking in water, wood, or stores, or for the purpose of embarking and disembarking troops and the equipments belonging thereto.

3. The term "Ships of War" shall mean and include vessels engaged exclusively for the conveyance of Her Majesty's Naval or Military Forces or Stores.

4. This Law shall commence and take effect from and after the date of the promulgation of Her Majesty's assent thereto in the *Natal Government Gazette*.

Governor in Council has power to direct Quarantine authority to release H.M. Ships of War having illness on board, or having touched at infected port, upon report of Health Officer.

Quarantine authority to grant certificate of release to Master of vessel, and on production thereof, Port Captain to allow communication with shore.

Definition of "Ships of War."

Commencement of Law.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 12, 1883.

(Signed) HENRY BULWER.

To amend in certain cases the Law of Costs.

WHEREAS it appears to be inexpedient that in an action dismissed for want of jurisdiction in the Court in which such action is instituted, the party so instituting the action should not be liable to be ordered to pay costs :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Whenever any action, suit, application, or other legal proceeding shall fail or be dismissed by reason of the Court or other tribunal before which it shall have come, and in or by which it shall

When any action or other legal proceedings shall fail or be

Law of Costs.—Divorce.

dismissed
through want
of jurisdiction,
Court may order
party instituting
case to pay
costs to other
side.

Commencement
of Law.

so fail or be dismissed, not having jurisdiction in respect thereof, such Court or Tribunal may order any party instituting the case to pay costs in respect of such institution to the other side; and such Order shall be as effectual as any Order of such Court or Tribunal in any case within its jurisdiction. And such costs may be taxed in like manner as any other costs ordered by such Court or Tribunal.

2. This Law shall be in operation from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 13, 1883.

(Signed) HENRY BULWER.

To amend the Law of Divorce.

Preamble.

WHEREAS it is expedient to amend the Law of Divorce:

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:—

Malicious desertion for eighteen months necessary to entitle party to obtain divorce.

1. No divorce shall be obtainable on the grounds of malicious desertion, unless such desertion shall at the commencement of any suit, the object of which is to obtain such a Divorce, have continued uninterruptedly for eighteen months next before such commencement.

In proceedings by husband for divorce, the person committing adultery with the wife may be made co-defendant, and damages and costs may be claimed against him.

2. In proceedings by a husband for Divorce for his wife's adultery, any person with whom such adultery is charged to have been committed may be made a co-defendant, and damages and costs respectively may be claimed against him.

Judgment for divorce to be decree nisi for not less than three or more than six months, after which judgment to be absolute, unless Court order otherwise or

3. Any judgment for Divorce shall be expressed to be provisional until a day to be named therein, and not to be less than three months, nor more than six months, after the date of such judgment being pronounced, but such judgment shall on and after such date become absolute, without further order, unless the Court shall have otherwise ordered, or there shall have been such intervention on the part of the Attorney-General as is hereafter in this Law provided for:

Divorce.

Provided always that no marriage of either spouse in the action taking place while judgment for Divorce remains provisional shall be valid in law, though the judgment may subsequently become absolute.

Attorney-General shall have intervened.

No marriage of either spouse during provisional period shall be valid in law.

In the event of collusion or other sufficient cause Clerk of Peace may, under direction of Attorney-General and leave of Court, intervene during progress of action for divorce.

4. At any time during the progress of any action of Divorce, or at any time before the judgment for Divorce shall be made or become absolute, any person may give information to any Clerk of the Peace of any matter material to the due decision of the case, who may thereupon take such steps as the Attorney-General may deem necessary; and if from any such information or otherwise any Clerk of the Peace shall suspect that any parties to the suit are, or have been, acting in collusion for the purpose of obtaining a Divorce contrary to the justice of the case, he may, under the direction of the Attorney-General, and leave of the Supreme or Circuit Court, or of a Judge of the Supreme Court, intervene in the suit alleging such case of collusion, or some other sufficient reason sustained by affidavit to the satisfaction of the Court.

5. The Supreme or Circuit Court in which any action for Divorce may be pending, whenever the said Supreme or Circuit Court consider it necessary for the proper disposal of any action for Divorce, or for nullity of marriage, direct that it be laid before the Attorney-General in order that he may determine whether he should direct or order an appearance to be entered in such action.

Court may direct action for divorce to be laid before Attorney-General to determine whether he will intervene or not.

6. Such intervention may be by having entered with the Registrar, and served on the parties in the action who may then be within this Colony or be represented in the action, a statement of the grounds for intervention, and the Court, or any Judge thereof, may appoint a time for proof to be given to establish or repel such grounds, or against the same.

Statement of ground for intervention to be entered with Registrar and served on parties in the action, or their representatives.

7. Costs or expenses shall not be claimable by or against the Attorney-General or the Colonial Revenue in reference to such cases of intervention.

Costs not claimable by or against the Attorney-General or Colonial Revenue in cases of intervention.

8. The Court may order any costs incurred in such intervention on the part of the Attorney-General to be paid out of the Colonial Revenue, subject to the vote of the Legislative Council.

Court may order Attorney-General's costs to be paid out of Colonial Revenue.

9. After judgment for Divorce, and on the application of any party in the action, or of any other person interested, the Court may alter the terms of any settlement made in connection with the marriage then dissolved, so as out of any property as far as under such settlement the guilty spouse may be interested therein, to make provision for the innocent spouse and the issue of the said marriage, or either or any of them: Provided always that nothing herein contained shall be construed as taking away or lessening any power of the Court of making any order in respect of property in reference to such Divorce,

On application after judgment for divorce Court may alter terms of marriage settlement, and make provision for innocent spouse and issue of marriage.

Divorce.—Juries.

Married woman
entitled to pro-
tection order
over property
acquired by her
during period of
desertion by
husband.

Commencement
of Law.

10. Every married woman shall be entitled to retain free from the control of her husband or his creditors any property she may earn or acquire during a period in which she may be deserted by her husband, and on *prima facie* evidence of desertion such woman shall be entitled to an order of a Judge or Magistrate protecting such property.

11. This Law shall be in operation from and after the proclamation in the *Government Gazette* of Her Majesty's confirmation thereof or assent thereto.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW 14, 1883.

(Signed) HENRY BULWER.

To amend the Laws relating to the Constitution and Formation of Juries for Trials in Civil and Criminal Cases.

Preamble.

WHEREAS, for the better and more effective administration of Justice within the Colony of Natal, it is expedient to amend the Laws relating to the constitution and formation of Juries for trials in Civil and Criminal Cases, and in order to effect this object it is necessary to limit the class of persons qualified to serve on Juries to duly qualified electors under the "Franchise Amendment Law of 1882 :—"

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Sec. 5 of "Jury
Law, 1871,"
amended.

Indian Inmi-
grants not
entitled to exer-
cise Electoral
Franchise dis-
qualified from
serving on Juries

Laws inconsis-
tent with this
Law amended.

Commencement
of this Law.

1. Section 5 of the "Jury Law, 1871," is hereby amended by the addition of the following words at the end thereof :—"And no Indian Immigrant who is not entitled to exercise the Electoral Franchise under the 'Franchise Amendment Law of 1882,' and whose name shall not have been placed on the Voters' List as a duly qualified elector under that Law, shall be qualified to serve on a Jury."

2. The Laws No. 10 of 1871, No. 10 of 1872, No. 24 of 1874, and No. 8 of 1878, and any other Laws which may be in anywise repugnant to or inconsistent with any of the provisions of this Law, shall be and the same are hereby so far amended, and the said amended Laws shall be read and construed together with this Law.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Explosive Substances.

LAW No. 15, 1883.

(Signed) HENRY BULWER.

*To Amend the Law relating to Explosive Substances.*Amended *vide*
Law 41, 1887.

Preamble.

WHEREAS it is necessary to make provision for regulating the sale of Dynamite and other Explosive Substances, and for that purpose to amend and extend the provisions of Law No. 7 of 1877, entitled "Law to regulate the Importation, Landing, Storage, and Carrying of Dynamite and other Explosive Substances :

Be it therefore enacted by the Governor of Natal, with the advice and consent of Legislative Council thereof, as follows :—

1. No person shall sell by way of trade in this Colony any explosives or detonators without a license so to do, signed by the Controller of Arms and Ammunition, who may grant to all licensed importers of explosives and detonators licenses to sell the same in this Colony ; and the Controller of Arms and Ammunition is hereby authorised in every case before granting such a license as aforesaid to require the person applying for the same to enter into a recognizance with one or more good and sufficient surety or sureties, liable as principal debtor or debtors.

No person to sell by way of trade explosives without license from Controller of Arms.

Person applying for license to enter into recognizance.

2. Any Resident Magistrate may, at his discretion, grant to any person whom he may think fit and proper, residing in his County or Division, a permit or permits, enabling and entitling him to obtain from the person duly licensed to sell dynamite and other explosive substances, the quantity of explosives and detonators in such permits mentioned : Provided that the said Resident Magistrate may, in deciding on the question of granting such permit, either wholly refuse the same or grant the same for a less quantity of explosives and detonators than that applied for : Provided also that it shall not be lawful for any Resident Magistrate to grant a permit to any person of the Native Tribes of South Africa, or to any Hottentot, or to any Indian, or to any person of the Bastard Tribes of South Africa.

Resident Magistrate may grant permits to purchase explosives from licensed dealers.

Permits not to be granted to Natives or Indians.

3. No person licensed to sell explosives in this Colony shall sell, give, or barter to any person any explosive or detonators, except in strict accordance with such permit as aforesaid, and to the person named therein.

No licensed dealer to sell or dispose of explosives except in accordance with permit.

4. The Resident Magistrates respectively shall register all permits granted under this Law enabling the holder or holders to obtain explosives and detonators, and shall furnish a monthly return to the Controller of Arms of all permits issued by them during the month.

Resident Magistrates to register all permits, and furnish monthly returns to Controller of Arms.

5. Every dealer in explosives in this Colony shall keep a book, in which he shall enter or cause to be entered an account of all sales duly made by permit as hereinbefore provided, and the name and residence of the person to whom, and the respective times at which, the same was sold, and shall every month return a copy of such account to the Controller of Arms and Ammunition, together with

Dealers in explosives to enter in book all sales by permits, and furnish monthly account to Controller of Arms.

Explosive Substances.—Election Petitions.

the permits of the Resident Magistrates in support of the account of sales made during the same period.

6. The Controller of Arms shall keep a Register of all Permits issued by the several Resident Magistrates, and of the quantities of Explosives, sold by the Licensed Dealers.

Controller of Arms to keep register of permits issued by Magistrates and of explosives sold by dealers.

Penalty for contraventions of this Law.

7. Any person contravening this Law, or any regulation made hereunder, shall be liable to a penalty not exceeding Fifty Pounds for each offence, or to imprisonment not exceeding Twelve Months, or both, and any explosive dealt with in contravention of this Law shall be *ipso facto* forfeited.

Prosecution of offences.

8. All offences under this Law shall be prosecuted in the same manner and before the same Courts as provided for offences under the Law 7 of 1877, and the like powers and jurisdiction are hereby conferred upon the said Courts for the trial of offences under this Law as are exercised by them under the aforesaid Law No. 7 of 1877. All officers invested with authority under the said Law shall also have and exercise the like authority under this Law.

Governor in Council may frame rules for carrying out this Law.

9. The Governor in Council may from time to time frame rules for the better carrying out of this Law, which rules shall have the same effect as if embodied in this Law.

Definition "Explosive."

10. The term "Explosive" in this Law shall bear the same meaning as is defined in Law 27 of 1877, Section 27.

Law No. 7 of 1877 and this Law to be construed together.

11. This Law shall be read and construed together with Law No. 7 of 1877, as one Law, and shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 16, 1883.

(Signed) HENRY BULWER.

Vide Law 29, 1887, Sec. 15.

To declare the Practice of the Legislative Council in cases of Election Petitions.

Preamble.

WHEREAS by the Royal Charter of Natal, bearing date the 15th day of July, 1856, it is provided in the 51st Section thereof that "it shall be lawful for the Lieutenant-Governor, with the advice of the Legislative Council to be constituted under and by virtue of these presents, to repeal, alter, or amend all or any of the provisions made by or in virtue of these presents, and to substitute other provisions in lieu thereof:"

Election Petitions.

And whereas in the said recited Charter no provision is made in respect of the manner in which Petitions relating to questions of disqualification or undue return alleged against members of the Legislative Council shall be inquired of and determined :

And whereas it is expedient that the practice of the Legislative Council in this respect should be clearly defined :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Section 1 of the said Charter shall be and is hereby amended by the addition of the following words after Clause 13 of the said section, that is to say :—Every elective member of the Legislative Council shall have and possess the qualification aforesaid during all the time he shall be and remain a member of the said Council.

Sec. 1 of Royal Charter amended

2. All questions of disqualification or of undue election, or undue return alleged against any member of the Legislative Council—whether such questions relate to the want of qualification as required by the 13th Clause of the said Charter, or to other matters of disqualification or undue return—shall be inquired into and determined in manner and form as hereinafter provided : Provided, however, that in all cases the Voters' Roll then legally in force shall be taken to be, and shall be, the test of qualification in respect of votes recorded at the election in dispute, such votes having otherwise legally been recorded, and returned by the Returning Officer as so recorded ; but that whenever it shall appear to the presiding Judge that the votes have been returned by the Returning Officer of persons whose names do not appear on the Voters' Roll, or of persons who have voted in their wrong Wards, it shall be competent for such Judge to amend the return made by such Returning Officer, by expunging from the return the names of such persons as aforesaid. In the case of any person whose vote has been recorded and returned for more than one Ward, the presiding Judge shall order the return to be amended so as to count such vote as one only on the return.

All questions of disqualification or undue election or return of any member of the Legislative Council to be inquired into and determined in manner provided in this Law.

Proviso as to qualification of electors under Voters' Roll.

Judge may amend wrong return of votes made by Returning Officer.

3. From and after the commencement of this Law a petition complaining of want of qualification or of undue election, or undue return of any member of the Legislative Council of Natal, may be presented to the Council, through the Speaker, by any one or more of the following persons :—

Petition against election of Member to be presented to Council through Speaker.

- (a) Some person who voted, or who had a right to vote at the election to which the petition relates ;
- (b) Some person claiming to have had a right to be returned or elected at such election ;
- (c) Some person alleging himself to have been a candidate at such election.

Persons entitled to present petition.

The following conditions shall be observed with respect to the presentation of Election Petitions under this Law :—

Conditions respecting presentation of petitions.

The Petition shall be signed by the Petitioner, or Petitioners if more than one.

Election Petitions.

The Petition shall be presented within fourteen days after the result of the election has been proclaimed in the *Government Gazette*.

Security to be given.

At the time of the presentation of the petition security shall be given on behalf of the petitioner, to the satisfaction of the Speaker, or in the absence of the Speaker to the satisfaction of the Chief Clerk, to the amount of £200, for the payment of all costs, charges, and expenses to any witness or to any member whose election or return is complained of. Such petition shall contain full particulars of the grounds of the objection to the election or return complained of; and at the trial of such petition the petitioner shall be confined to the grounds of objection therein contained.

Petition to contain full particulars of ground of objection.

If security objected to, petitioner may deposit sum of money to make security sufficient; but if objection to security not removed petition falls through.

4. Any objection made to the security given shall be heard and decided on by the Speaker, or Chief Clerk, within such period and in such manner as may be arranged by the Speaker. If any objection to the security is allowed, it shall be lawful for the petitioner, within a further time to be fixed by the Speaker or Chief Clerk, not exceeding ten days, to remove such objection by a deposit of such sum of money as may be deemed proper by the said Speaker or Chief Clerk to make the security sufficient. If, on objection made, the security is decided to be insufficient and such objection is not removed in manner hereinbefore mentioned, no further proceeding shall be had on the petition; otherwise on the expiration of the time limited for making objections or after objection made on the sufficiency of the security being established, the petition shall be deemed to be at issue.

If sufficient security gives, Speaker to inform Council of contents of petition, and if truth of allegations not admitted petition to be lodged with Registrar of Supreme Court.

5. Upon the security hereinbefore mentioned being given by the party petitioning, the Speaker shall if the Council be then sitting, or if the Council be not sitting, then at the sitting of the said Council next after the receipt of such petition, inform the said Council of the nature of the contents thereof, when, should the member in question not admit the truth of the matters alleged in such petition, the Speaker shall forward the petition to the Registrar of the Supreme Court, who shall forthwith send a copy thereof to the Resident Magistrate, or Magistrates of the Electoral District to which such petition relates. Every copy of such petition so forwarded shall remain at the office of the Resident Magistrate or Magistrates of the Electoral District open to the inspection of all parties concerned. Should the Member in question admit the truth as aforesaid, or refuse to answer at all to the allegations set forth in the Petition, and should he fail within three days thereafter to resign his seat, then in either case the Petition may proceed as if the allegations were not admitted. On the resignation of such Member taking place, the Governor shall forthwith, by Proclamation in the *Government Gazette*, declare the candidate at the election who stood next on the return of votes made up by the Returning Officer at the election to be the Member duly elected.

When petition to be proceeded with.

On resignation of Member, candidates next on return of votes declared elected.

Place at which Election Petition tried, and constitution of Court.

6. The trial of every Election Petition shall take place in some suitable place in the District or Borough for which the disputed election was held, and such enquiry shall be conducted in open Court, without a jury, before one of the Judges of the Supreme

Election Petitions.

Court to be selected for that purpose by that Court, with right of appeal to the Supreme Court on points of law. The Judge so selected shall be nominated on the first day of term in the month of January in each year, and shall, during that year, be the Judge for the trial of Election Petitions. The Registrar of the Circuit Court for the Electoral District shall act as Registrar of the Court appointed for the trial of an Election Petition in the said District; and the Registrar of the Supreme Court shall, within seven days before the date fixed for the said trial, forward the Election Petition, and all other documents duly lodged with him in connection therewith, to the Registrar of the Circuit Court for the District within which such trial is appointed to be held.

Registrar of Circuit Court for Electoral District to act as Registrar of Election Petition Court.

7. In the event of the death, absence, or incapacity of the Judge so nominated, it shall be lawful for the Supreme Court to nominate one of the Judges of the Supreme Court, who shall continue to be the Judge for the trial of Election Petitions until the 31st day of December thence next ensuing.

In the event of death, absence, or incapacity of Election Petition Judges, Supreme Court to nominate another of its Judges.

8. Notice of the date of the trial of an Election Petition shall be given by the petitioner or his agent to the member whose election or return is objected to, and to the Registrar of the Supreme Court not less than fourteen days before the date fixed for the same, and within ten days after the petition shall have been forwarded by the Speaker to the Registrar of the Supreme Court aforesaid, as hereinbefore provided.

Notice of date of trial of Election Petition to be given by petitioner.

9. The Judge presiding at the trial may adjourn the same from time to time, as occasion may require.

Trial may be adjourned.

10. At the conclusion of such trial, the Judge shall determine whether the member whose return or election is complained of, or any and what other person was duly returned or elected, or whether the election was void. The Judge shall make an order embodying such determination, and the Registrar of the Supreme Court or the Registrar of the Circuit Court, as the case may be, shall forthwith certify in writing such order to the Speaker of the Legislative Council, and upon such certificate being given such order shall be final to all intents and purposes.

Judge to make an order embodying his decision and Registrar of Supreme or Circuit Court to certify such order to Speaker of Legislative Council, such certified order being final.

11. The Judge may, at the same time, add to such order a special report as to any matters arising in the course of the trial, an account of which, in his judgment, ought to be submitted to the Legislative Council. The Registrar of the Supreme or Circuit Court, as the case may be, shall forthwith forward a copy of such report to the Speaker of the Legislative Council.

Judge may add special report to his order to be submitted to Legislative Council.

12. If the Court shall determine that some person other than the Member whose return or election is complained of was duly elected, such Member shall forthwith be deemed to have vacated, his seat, and such Court shall forthwith certify as aforesaid such determination to the Governor, who upon receipt of such certificate shall forthwith, by proclamation in the *Government Gazette*, declare the person who has been adjudged and declared by the Court to have been duly elected to be so elected.

If Court determines that some person other than the member petitioned against was elected Governor by proclamation declares such other person duly elected.

Election Petitions.

Supreme Court may make rules, orders, and regulations for carrying out this Law.

13. The Supreme Court may from time to time make such rules, orders, and regulations concerning any of the following matters, and generally for the effectual carrying out of this Law, as to the Court shall seem fit, that is to say :—

- (a) The form of recognizance required under this Law ; and, generally, the proceedings relative to the security required thereunder.
- (b) The manner in which an Election Petition and other documents required by this Law shall be served.
- (c) The manner in which an Election Petition may be withdrawn.
- (d) The proceedings in the case of a notice of intention not to oppose an Election Petition.
- (e) The taxation of costs.
- (f) The admission and hearing of Counsel.
- (g) The summoning and examining of witnesses, and the production of books, documents, and records in evidence.

All such rules, orders, and regulations as aforesaid shall be of the same force as if enacted in the body of this Law.

Such rules, orders, and regulations to be laid before Legislative Council.

14. Any rules, orders, or regulations made in pursuance of the preceding section shall be laid before the Legislative Council within fourteen days after they are made, if the Legislative Council be then sitting ; and if the Council be not then sitting, within fourteen days after the beginning of the then next session.

Witnesses subpoenaed, &c., same as in civil trial before Supreme Court.

15. Witnesses shall be subpoenaed and sworn in the same manner as in a civil trial before the Supreme Court, and shall be subjected to the same penalties for perjury, and shall be paid according to the scale authorised by rule of the Supreme Court to be paid in civil cases.

Judge may compel attendance of any person as witness, and require production of documents, &c.

16. The Judge may, by order under his hand, compel the attendance of any person as a witness whom he may consider to have been concerned in any election in dispute. Any person refusing to obey such order shall be guilty of contempt of Court. The Judge may examine any such witness or any other person in Court, although such witness is not called and examined by any party to the petition. The Judge may, by order under his hand, require the production of any lists, books, documents, or writings which he may consider material to the case.

When proceedings in respect of a Petition terminate.

17. If, before the trial of any Election Petition under this Law, either of the following events happen in the case of the member whose election or return is objected to :—

If he dies,

If his seat be duly declared vacant by the Governor or by the Legislative Council,

then the proceedings in respect of such petition shall terminate.

Costs of Petition, by whom to be paid.

18. The costs and expenses consequent upon any Election Petition shall be defrayed by the parties to such petition in such

Election Petitions.

manner as the Judge may direct : Provided that it shall be within the jurisdiction of the Judge to disallow any costs or expenses which shall appear to him to be improperly incurred. The costs may be taxed according to the same principles as costs between attorney and client are taxed in a civil suit before the Supreme Court, and such costs may be recovered in the same manner as the costs in a civil action at law.

19. If any petitioner in an Election Petition presented under this Law, neglect or refuse for the space of one month after demand to pay to any person summoned on his behalf, or to the respondent, any sum certified by the Registrar of the Supreme or Circuit Court, as the case may be, to be due to him for costs or expenses, the recognizance entered into by such petitioner shall be forfeited, and the Registrar shall certify to that effect, and such recognizance shall be estreated in the usual manner.

On failure to pay costs, petitioner's recognizance to be estreated.

20. Subject to any rules, orders, or regulations, made in that behalf by the Supreme Court, as hereinbefore provided, any advocate of the Supreme Court shall be admitted as counsel to plead before the Court appointed to try an Election Petition ; and, subject always as aforesaid, any attorney of the Supreme Court shall be entitled to practise as an attorney in the case of any such petition.

Who to act as advocates and attorneys in Election Petition Courts.

21. For the purposes of this Law, the Resident Magistrate for the County or Division, or other person appointed for the purpose, who makes the return to the Governor, shall be deemed to be the Returning Officer referred to herein.

Returning Officer.

22. This Law may be cited for all purposes as "The Election Petitions Law, 1883," and shall commence and take effect from and after the date of promulgation of Her Majesty's assent thereto in the *Natal Government Gazette*.

Short title and commencement of Law.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 17, 1883.

(Signed) HENRY BULWER.

To provide for the establishment of Local Road Boards throughout the Colony.

Repealed by Law 86, 1888.

Port Department.

LAW No. 18, 1883.

(Signed) HENRY BULWER.

To abolish certain Offices under Government connected with the Port Department.

Preamble.

WHEREAS it is desirable that all Officers serving under the Natal Harbour Board be placed on the same footing, and that provision be made for compensating any such Officers whose offices under the Government are abolished under this Law :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Offices abolished by this Law.

1. The Offices under the Government now filled by the Officers named in the Schedule of this Law shall be, and the same are hereby, abolished.

Officers entitled to pension or compensation.

2. Each of the said Officers shall be entitled to pension or compensation reckoned according to Law 8 of 1872.

No pension to be paid to pensioner receiving equal or greater salary from Government or Harbour Board.

3. No pension shall be paid under this Law to any pensioner during such term as such pensioner shall receive salary of an equal or greater amount than his pension from the Natal Government, or from the Natal Harbour Board.

Harbour Board may re-engage officers whose offices abolished under this Law.

4. The Natal Harbour Board is hereby authorised to enter into any agreement with any of the said Officers for the continued performance by him of the duties heretofore discharged by him as an Officer under the Government.

Commencement of Law.

5. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

SCHEDULE.

Port Department.

Vide Law 8, 1884, Sec. 1.

C. Strachan, Pilot.
G. D. Stewart, Chief Engineer, Tug, "Forerunner."
C. A. Macton, 2nd " "
L. B. Freyneau, Stoker, "
Thos. Johnson, Carpenter, "
A. Hunt, Signalman, Bluff.

Wharfmaster's Department.

P. Toohey, Wharf Constable.

Resident Engineer's Department.

D. Moffat, 1st Lighthouse Keeper, Bluff.
D. W. Bell, 2nd " "

Water Police Department.

D. I. Nolan, Superintendent.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Transfer Duty.

LAW No. 19, 1888.

(Signed) HENRY BULWER.

To amend Law No. 5, 1860.

WHEREAS it is expedient to amend the Law No. 5, 1860, and to explain the meaning of certain clauses and Schedules of that law :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Clause No. 3 of the said Law No. 5, 1860, is hereby repealed, and the following shall be substituted therefor :—"For and in respect of every private or public sale or of every exchange or other alienation of any immovable or landed property situate within the Colony of Natal (except as in the Schedule marked No. 1, and annexed hereto, and to the Schedule No. 1, of Law 5, 1860, is excepted), there shall be chargeable upon and payable by the purchaser, a duty of four per centum upon the amount of the price of purchase money paid, or to be paid, for the said property, or on the value of the land exchanged or alienated."

Sec. 3 of Law 5, 1860, repealed.

With certain exceptions four per cent. duty payable on sale, exchange, or other alienation of immovable property.

2. Whenever any contract of sale and purchase of any property liable to any transfer duty shall be by mutual consent of both parties to the transaction cancelled or rescinded before conveyance of title has been made, but after a portion of the purchase-price or valuable consideration has been paid or given, then in such case the transfer duty shall be paid on such money or other valuable consideration only, as shall have been paid or given by the original purchaser to the original seller and the sale shall thereupon be cancelled : Provided always that no money or valuable consideration of any kind, beyond the refunding or repaying of the money or other valuable consideration by the original seller to the original purchaser, shall be paid by the one to the other for or in respect of or with a view to obtain this cancellation : And provided further that both parties to the transaction, or their agents, shall make and subscribe solemn declarations in substance as set forth in the Schedule hereunto annexed, marked A.

When contract of sale cancelled before conveyance of title, transfer duty to be paid on portion of purchase money or other valuable consideration only paid or given.

3. The following words shall be expunged from the last paragraph of Clause No. 9 of Law 5, 1860 :—"In case of a change of proprietors, otherwise than through the medium or by means of purchase and sale, the duty, as aforesaid, shall not be received until the donor or donee respectively shall have made and subscribed the Form of Declaration of donor set forth in Schedule No. 4, and Declaration of Donee set forth in Schedule No. 5, hereunto annexed ;" and the following words substituted :—"In case of a change of proprietors, otherwise than through the medium or by means of purchase and sale, the duty as aforesaid shall not be received until the parties to such transaction shall have made and subscribed one or other of the Forms of Declaration set forth in the Schedules to the Law No. 5,

Repeal of portion of Sec. 9, Law 5, 1860, and substitution thereof of alternative declarations of purchaser and seller, &c.

Transfer Duty.

1860, or of those annexed to this Law, or to such other Declaration as may be demanded by the Registrar of Deeds as best suited to the requirements of the case.

Repeal of Sec. 24 of Law 5, 1860, and exemption of surviving spouse from payment of duty on immovable property acquired from estate of deceased spouse or on that held in community.

Form of declaration where property conveyed under last will or *ab intestato*.

Where no suitable form of declaration provided, Registrar of Deeds may demand special form.

Amendment of Schedule No. 1 to Law 5, 1860.

Sub-sec. D and I of Schedule No. 1 of Law 5, 1860, repealed.

Commencement of Law.

4. The Section 24 of the aforesaid Law No. 5, 1860, is hereby repealed, and the sub-section lettered (b) in Schedule No. 1, hereto annexed substituted therefor.

5. The Declaration marked B in Schedule No. 1 annexed hereto shall be used where property changes ownership under last will or *ab intestato*.

6. The several Declarations required by either the Law No. 5, 1860, or by this Law, shall be in substance as near as possible to the forms given in the Schedules to these Laws, but where no Form of Declaration exists suited to any particular case, the Registrar of Deeds shall be entitled to demand, and may take, a Declaration setting forth the facts of the case, and containing any further information he may deem necessary in the premises.

7. Schedule No. 1 to the Law 5, 1860, shall be altered and amended as hereunder in Schedule No. 1.

8. Sub-sections D and I of Schedule No. 1 of Law No. 5, 1860, shall be and are hereby cancelled and repealed.

9. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be used for all purposes of or transactions connected with any lands or immovable property, titles to which have not actually been conveyed at the passing hereof.

Schedule of exemptions from payment of transfer duty.

SCHEDULE No. 1.

- (a) No duty shall be payable on the purchase of Crown Land from the Government of Natal.
- (b) No surviving spouse shall be chargeable with any transfer duty on any immovable property inherited, bequeathed, or becoming his or hers, from the estate of his or her deceased spouse, whether under testamentary disposition or *ab intestato*, nor upon purchasing, taking over by appraisement, or any other mode of acquiring any of the immovable property belonging or appertaining to the estate of the deceased spouse. And every such surviving spouse shall have his or her share of any immovable property held in community, transferred to and registered in his or her own name, without the payment of any duty.

Transfer Duty.

- (c) No duty shall be payable on any lands given and taken in exchange between neighbouring proprietors for the sole purpose of straightening or equalising their lines or boundaries, or the better to occupy and utilise their respective properties, provided that the lands thus exchanged shall form portions of properties which are conjoined, and shall be of equal value on either side, and that a sworn valuation of the respective values of the lands thus exchanged shall be made by some disinterested person at the instance and expense of the parties making the exchange, and be filed with the Registrar of Deeds. In the event of the lands exchanged being of greater value on the one side than on the other Transfer Duty shall be paid on the difference, and declarations thereof filed in the usual way.
- (d) No duty shall be payable on any immovable property placed or vested in a trustee or trustees by a parent for the benefit of his or her child or children, nor on any such property given by a parent during his or her lifetime, to any of his or her children, nor on any property devolving on any child or children from the estate of his, her, or their parents : Provided that no valuable consideration other than natural love or affection shall be given to or taken by the parent of such child or children for or in respect of these gifts.
- (e) In every case of voluntary or compulsory partition between joint owners of immovable property held by them in equal or unequal undivided shares, and whether in or over one or more pieces of property, or included within or under one or more titles, and appearing as such in the records of the Deeds Registry, all changes in the records of the said Deeds Registry required for the due registration of the separate shares to be held by each in severalty under separate title, shall be made without the payment of any duty : Provided always that each partner or owner shall be entitled to claim exemption only on the proportion of the whole value of land owned by him in the property or several properties as the case may be, and provided further that the several owners shall make and subscribe to a solemn declaration in substance as in the Schedule hereunto annexed marked C.

[A.]

Declaration where sale and purchase have been cancelled after payment of a part of purchase price.

of

do solemnly and sincerely declare that the sum of £
 is the full and entire amount for which
 piece of land, in extent

the

situate and being the

And do further declare that
the said the sum or value of £
for or in respect of the price of this land, but that by
mutual consent the aforesaid sale and purchase have been rescinded
and cancelled, and the aforesaid sum or value of £
has been returned and refunded
the said

And make this solemn declaration, conscientiously believing the same to be true.

Declared at _____ this _____ day of _____
Before me _____

[B.]

*Declaration to be made for lands conveyed under a Will or ab
intestato.*

I, _____ of _____ do solemnly and sincerely declare that _____ to receive from the Estate of _____ of _____ (under his, _____, or _____), a certain piece of land, in extent _____ acres, situate and being _____ That the full value of the said land is £ _____ That no valuable consideration of any sort whatsoever has been, or is to be given or received by or to either party for or in respect of the alienation to me of this property from the _____

said Estate. And I make this solemn declaration, conscientiously believing the same to be true.

Declared at

this day of

Before me.

Transfer Duty.—Natal Shipping Company.

[C.]

Declaration for Purchasers or joint owners when dividing property amongst themselves under separate shares and titles.

We,
do solemnly and sincerely declare that we are the registered owners in conjoint undivided () shares of following pieces of immovable property, namely :—

And we further declare that we have mutually agreed and resolved to divide this land, each of us taking his share under separate title, as follows :—

And we further declare that we have not, nor has anyone paid or given, nor are we, nor is anyone on our behalf to pay or give to either of us any valuable consideration whatever in respect of this division between us of before-mentioned property. And we make this solemn declaration, conscientiously believing the same to be true.

Declared at this day of
Before me

Given at Government House, Natal, this 12th day of
November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 20, 1883.

(Signed) HENRY BULWER.

To enable the Natal Shipping Company, Limited, to purchase, accept of, hold, transfer, exchange, mortgage, or lease, or otherwise deal with lands and other immovable property in the Colony of Natal, and to do all such other things as may be incidental to the objects of the Company, and to secure to the Shareholders of the said Company resident in or possessing property in Natal, the same privileges and immunities as if they were resident in the United Kingdom of Great Britain and Ireland, and had their property situated there.

WHEREAS a Company, styled the "Natal Shipping Company, Preamble. Limited," was duly incorporated on the 30th day of August, 1882, with limited liability under the provisions of certain statutes passed by the Imperial Parliament of Great Britain and Ireland, and known as the "Companies Acts," 1862 to 1880, with a capital of £60,000

Natal Shipping Company.

(Sixty Thousand Pounds) sterling, divided into 6,000 (Six Thousand) shares of £10 (Ten Pounds) sterling each, with power to increase the capital, and to issue any of the original shares or shares of increased capital as preferential, or guaranteed, or deferred shares, or with any other special privileges or incidents :

And whereas by the Memorandum of Association of the said Company, the objects for which the said Company was established are declared to be :—

- To carry on the business of Landing and Shipping Agents and ship and Freight Brokers in all their branches at Durban, in the Colony of Natal, or elsewhere ;
- To carry on the business of Shipowners in all its branches ;
- To load and unload steamers and other ships upon such terms as the Company shall think proper, and to enter into contracts for the purpose ;
- To engage and let cargo space on commission or share of profits, or for annual or other payments, or on such other terms as the Company shall think proper ;
- To purchase, charter, hire, or otherwise acquire, build, equip, and maintain steam or other ships, coal hulks, receiving ships, lighters, and other vessels and boats of every description, or shares therein, and to work, let out to hire, sell, or otherwise employ, dispose of, or deal with the same ;
- To convey, carry, and transmit goods and merchandise of every description to and from such places as the Company may determine ;
- To buy and sell and otherwise deal in goods and merchandise of every description ;
- To purchase or otherwise acquire and undertake all or any part of the business, property, and liabilities of any company, partnership, or person carrying on any business which the Company is authorised to carry on, or possessed of property suitable for the purposes of the Company ;
- To purchase, take on lease or in exchange, hire, or otherwise acquire, any real or personal property, and any rights or privileges which the Company may think necessary or convenient for the purposes of its business, and in particular any land, houses, warehouses, buildings, wharfs, easements, plant and machinery, and to sell, let, or otherwise dispose of or deal with the same ;
- To manage, improve, develop, sell, lease, mortgage, dispose of, or otherwise deal with all or any part of the property of the Company ;
- To build, construct, or alter and maintain any houses, warehouses, docks, wharfs, or other buildings or works necessary or convenient for the purposes of the Company ;
- To invest the moneys of the Company upon such investments and in such manner as the Company may think proper ;

Natal Shipping Company.

- To insure the ships, vessels, cargoes, and property of the Company, and cargoes and goods carried in vessels of the Company, either by forming a general reserve or insurance fund, or by insurances effected with the Company itself as insurers, or with other companies or persons, or by joining any association for mutual insurance or otherwise ;
- To insure real and personal property of all kinds against loss or damage either on land or at sea, by fire, storm, or any accident or peril which lawfully can be the subject of insurance ;
- To enter into partnership or into any arrangement for sharing receipts, expenses, profits, or losses, union of interests, or co-operation with any company, partnership, or person carrying on or engaged in, or about to carry on or engage in, any business or transaction which the Company is authorised to carry on or engage in, any business or transaction capable of being conducted so as directly or indirectly to benefit the Company, and to enter into any working arrangements with any such company, partnership, or person ;
- To sell the undertaking of the Company, or any part thereof, for such consideration as the Company may think fit, and in particular for shares, debentures, or securities of any other Company, and to distribute any of the property of the Company among the members, in specie or otherwise ;
- To borrow or raise money in such manner as the Company shall think fit, and in particular by the issue of bonds or debentures, or by mortgage or charge of all or any part of the property of the Company, including its uncalled capital, and to make, accept, endorse, and execute promissory notes, bills of exchange, and other negotiable instruments ;
- To subscribe for, purchase, or otherwise acquire and hold the shares, stock, debentures, and securities of the Company, or of any other Company having objects altogether or in part similar to those of the Company, or carrying on any business capable of being conducted as so directly or indirectly to benefit the company, or the holding of an interest in which may be deemed to be conducive to the interests of the Company, and to sell or otherwise dispose of such shares, stock, debentures, and securities when and as the Company shall think proper ;
- To do all such other things as are incidental or conducive to the attainment of the above objects :

And whereas the said Company is the registered owner of certain immovable property in this Colony, and it is expedient and necessary for the said Company, to enable it to carry out its said objects, that it should be empowered to lease, transfer, or mortgage the same, and

K

Natal Shipping Company.

to purchase, hold, transfer, mortgage, and otherwise deal with immovable property in the Colony of Natal in the corporate name of the Company, and also in such name to contract and have perpetual succession in the said Colony, and otherwise to carry out the afore-said objects for which it was established :

And whereas it is expedient and necessary that the shareholders of the said Company resident in or possessing property in this Colony should have, possess, and enjoy, and be subject to the like privileges, liabilities, and immunities as if they were resident in the United Kingdom of Great Britain and Ireland and their property situated there :

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows, that is to say :—

Incorporation of Company, and use of common seal by.

1. The said Company shall be and the same is hereby incorporated and declared a Body Corporate in Natal, under the style of "The Natal Shipping Company, Limited," and by that name shall have perpetual succession in law for the purposes and objects for which the same was established and set forth and contained in the Schedule hereto annexed, and shall have and use a common seal with the name of the Company inscribed thereon.

Manager of Company may, when empowered by Directors, enter into contracts.

2. The Manager of the Company in Natal for the time being may, when generally empowered thereto by the Directors of the Company, under the corporate seal, in the name of the Company, enter into contract and contract with any person or persons willing to contract with the Company for any of the purposes or objects of the Company set forth in the said Schedule hereto annexed.

Company empowered to possess and acquire immovable property, and deal with same.

3. The Company is hereby empowered and authorised in the name of the Company to hold, possess, and enjoy the said lands in the preamble referred to, with power to lease the same and to transfer, mortgage, or otherwise alienate or deal with the same, and also in the name of the Company from time to time to purchase, take, acquire, and hold to the Company and its successors and assigns in fee simple, quitrent, or otherwise, any other immovable property of any nature, tenure, or kind soever in the Colony of Natal, and to sell, dispose of, alienate, transfer, grant, mortgage, charge, exchange, or lease or take on lease, or otherwise deal with all or any part of such immovable property in the said Colony, or for any estate or interest therein, from time to time and in such manner as the Directors may think fit : Provided, however, that all acts, deeds of transfer, mortgage or other bonds or deeds required to be registered by the Registrar of Deeds in Natal, shall be passed by the Manager for the time being of the said Company in Natal, when duly authorised thereto by Directors of the Company, under the corporate seal of the Company, or his attorney duly authorised in that behalf ; and further, all contracts, leases, and other acts and documents made and entered into by the Directors of the Company, and not proper for registration, shall, when authorised in like manner under the

Manager or his Attorney to pass deeds, &c., before Registrar of Deeds, and enter into contracts and leases when authorised by Directors.

Natal Shipping Company.

corporate seal of the Company, be entered into, done, and performed by the Manager of the Company for the time being in Natal, or by his duly authorised attorney: Provided always that no special authority shall be required by the Manager for any contract, lease, or any other act or document not proper for registration, into which he may on behalf of the Company enter with any person.

No special authority required by Manager for contracts &c., not proper for registration.

4. The Shareholders of said Company resident in Natal shall have and enjoy, possess, and be subject to the same advantages, liabilities, and immunities as if they were resident in the United Kingdom of Great Britain and Ireland and their property situated there.

Resident shareholders to enjoy same advantages and be subject to same liabilities as if resident in Great Britain.

5. The property, movable and immovable, situate and being in Natal belonging to shareholders of said Company non-resident in Natal shall only be liable and executable for the debts of the said Company to the like extent and in the same manner as if the said property, movable and immovable, of said non-resident Shareholders was situate in the United Kingdom of Great Britain and Ireland.

Limited liability of non-resident shareholders.

6. The said company shall sue and be sued by its corporate name in respect of any claim by or upon the Company upon or by any person, and whether a member of the Company or not, and not otherwise, so long as any such claim shall remain unsatisfied, and service of any notice or notices, or process or processes, whatsoever on the Manager for the time being of the said Company resident in Natal, or at the offices or last known offices of the said Company in Natal, shall be deemed and taken to be good and sufficient service of such notice or notices, process or processes, on the said Company.

Company to sue and be sued by its corporate name.

7. In any criminal prosecution, preliminary enquiry, or proceeding, or on any warrant, indictment, or other proceeding at law, it shall be sufficient if any goods or other things which shall or may be set out in any such indictment, warrant, or other proceedings shall be described and said to be the property of the Company, and the Company shall be described therein by its corporate name.

In any criminal prosecution Company to be described by corporate name.

8. This Law shall be taken to be a public Law, and shall be recognised as such in all Judicial Courts in the Colony, and shall commence and take effect from and after the publication thereof in the *Government Gazette* of this Colony.

Law to be regarded as a public Law and commencement thereof.

SCHEDULE.

(AS ABOVE REFERRED TO.)

To carry on the business of Landing and Shipping Agents and Ship and Freight Brokers, in all their branches at Durban, in the Colony of Natal, or elsewhere.

Schedule referred to in Secs. 1 and 2.

To carry on the business of Shipowners in all its branches.

To load and unload steamers and other ships upon such terms as the Company shall think proper, and to enter into contracts for the purpose.

To engage and let cargo space on commission or share of profits, or for annual or other payments, or on such other terms as the Company shall think proper.

Natal Shipping Company.

To purchase, charter, hire, or otherwise acquire, build, equip, and maintain steam and other ships, coal hulks, receiving ships, lighters, and other vessels and boats of every description, or shares therein, and to work, let out to hire, sell, or otherwise employ, dispose of, or deal with the same.

To convey, carry, and transmit goods and merchandise of every description to and from such places as the Company may determine.

To buy and sell and otherwise deal in goods and merchandise of every description.

To purchase or otherwise acquire and undertake all or any part of the business, property, and liabilities of any company, partnership, or person carrying on any business which the Company is authorised to carry on, or possessed of property suitable for the purposes of the Company.

To purchase, take on lease, or in exchange, hire, or otherwise acquire, any real or personal property, and any rights or privileges which the Company may think necessary or convenient for the purposes of its business, and in particular any land, houses, warehouses, buildings, wharfs, easements, plant, and machinery, and to sell, let, or otherwise dispose of or deal with the same.

To manage, improve, develop, sell, lease, mortgage, dispose of, or otherwise deal with all or any part of the property of the Company.

To build, construct, or alter, and maintain any houses, warehouses, docks, wharfs, or other buildings or works necessary or convenient for the purposes of the Company.

To invest the moneys of the Company upon such investments and in such manner as the Company may think proper.

To insure the ships, vessels, cargoes, and property of the Company, and cargoes and goods carried in vessels of the Company, either by forming a general reserve or insurance fund, or by insurances effected with the Company itself as insurers, or with other companies or persons, or by joining any association for mutual insurance or otherwise.

To insure real and personal property of all kinds against loss or damage either on land or at sea, by fire, storm, or any accident or peril which lawfully can be the subject of insurance.

To enter into partnership or into any arrangements for sharing receipts, expenses, profits, or losses, union of interests, or co-operation with any company, partnership, or person carrying on or engaged in, or about to carry on or engage in, any business or transaction which the Company is authorised to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit the Company, and to enter into any working arrangements with any such company, partnership, or person.

To sell the undertaking of the Company, or any part thereof, for such consideration as the Company may think fit, and in particular for shares, debentures, or securities of any other Company, and to distribute any of the property of the Company among the members, in specie or otherwise,

Natal Shipping Company—Durban Botanic Society.

To borrow or raise money in such manner as the Company shall think fit, and in particular by the issue of bonds or debentures, or by mortgage or charge, of all or any part of the property of the Company, including its uncalled capital, and to make, accept, endorse, and execute promissory notes, bills of exchange, and other negotiable instruments.

To subscribe for, purchase, or otherwise acquire and hold the shares, stock, debentures, and securities of the Company, or of any other Company having objects altogether or in part similar to those of the Company, or carrying on any business capable of being conducted so as directly or indirectly to benefit the Company, or the holding of an interest in which may be deemed to be conducive to the interests of the Company, and to sell or otherwise dispose of such shares, stock, debentures, and securities when and as the Company shall think proper.

To do all such other things as are incidental or conducive to the attainment of the above objects.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 21, 1883.

(Signed) HENRY BULWER.

To incorporate the Durban Botanic Society.

WHEREAS it is expedient to incorporate the Members of the Natal Agricultural and Horticultural Society under the name of the Durban Botanic Society, and to define the powers of the Society, and to enable it to borrow certain moneys upon the security of its lands :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Members of the Durban Agricultural and Horticultural Society shall be, and they are hereby constituted a Corporation under the name of "The Durban Botanic Society," with perpetual succession, save as hereinafter provided, and shall sue and be sued in its corporate name.

Incorporation Society.

2. In case the yearly subscriptions and donations, exclusive of the Government aid, shall for a period of three successive years fall below the sum of £150, the said Society shall cease to be a Corporation and thereupon the Lands of the Corporation, subject to any debt of the Corporation which may be registered against the land, shall vest in the Government of Natal as public property.

Conditions under which Society ceases to be a Corporation and lands vest in Government

Durban Botanic Society.

Lands to be transferred from original Trustees to Society free of duty.

Society to transfer certain land to Natal Observatory.

Objects of Society.

Affairs of Society to be managed by a Committee.
Constitution of Committee.

Qualification of Members of the Society.

Committee authorised to make By-laws, subject to approval of Governor in Council.

Penalty for contravening By-laws.

Confirmation and publication of By-laws.

Liability of Members.

Committee may borrow money not exceeding £1,500 for permanent improvements.

3. The Registrar of Deeds is authorised to transfer to the Society, under its corporate name, free of duty, the lands the subject of the deed of grant in freehold, of date 8th September, 1854, being a grant unto Joachim Frederick Kahts and Alfred Winter Evans, as Trustees of the Natal Agricultural and Horticultural Society, of fifty acres of ground near the town of Durban, as more fully described in the diagram annexed to the said deed. And the Society shall concurrently transfer for the purpose of the Natal Observatory an area not exceeding two acres into such names as may be given for the purpose by the Colonial Government.

4. The objects of the said Society shall be the maintenance of Botanic Gardens for the introduction, cultivation, propagation, and distribution of plants of every climate.

5. The business of the said Society shall be managed by a committee of nine persons, inclusive of the Mayor of Durban, who shall have a seat in committee by virtue of his office. It shall be lawful for the Governor, should he see fit, to appoint at any time, and for such time as he may name in the letter of appointment, two persons to be members of the said committee, and six members shall be appointed by the members of the Society; provided that any Agricultural Association in the Colony shall have the power to nominate any person as an additional member of committee. The first committee to be elected by the members shall be appointed at a meeting of members to be held in Durban within one month after the passing of this Law. Every person who shall pay a yearly subscription of one guinea shall be a member of the Society for the year in respect of which such subscription is paid. Contributors of (£10 10s.) Ten Guineas shall be life members; and the committee shall have power to appoint as honorary member any person who shall render service to the cause of agriculture or horticulture in or out of the Colony. The committee shall have power to make By-Laws for the regulation of their own proceedings, to maintain order in the Gardens, to protect the property of the Society, to regulate the use of the Gardens by the public, and to prevent any misconduct in the Gardens. Any person who shall contravene any By-Law may, on conviction thereof before the Resident Magistrate of Durban, at the instance of any person appointed to prosecute on behalf of the Society, be liable to a fine not exceeding Five Pounds. No By-Law shall have effect until approved by the Governor of Natal in Council, and published in the *Natal Government Gazette*, and once at least in two newspapers of Durban.

6. No person shall incur any liability by reason of his membership in the Society beyond any unpaid subscription for which he may be liable.

7. The committee, with the prior consent of the Governor in Council, may borrow such money upon the security of the lands of the Society as may be necessary for defraying the cost of permanent improvements made, and about to be made, in and about the grounds not exceeding £1,500.

Durban Botanic Society.—Agricultural Societies.

8. The committee may engage and discharge a Curator, Secretary, Assistants, and necessary Labourers.

Appointment of officers.

9. The committee may enter into agreements with the Natal Government and the Durban Corporation for the appropriation of agreed portions of the lands of the Society for public or municipal purposes.

Committee may enter into agreements for appropriation of Society's lands for public or municipal purposes.

10. It shall be the duty of the committee to transmit to the Colonial Secretary for the information of the Legislative Council in each year a report and financial statement, and a report from the Curator made up to date as nearly as possible within one month of the commencement of each session of the Legislative Council.

Committee to transmit to Col. Secretary yearly report and financial statement.

11. The Governor may at any time appoint an Inspector for the purpose of inspecting and reporting on the Gardens, and such Inspector shall have the right of access to every part of the Gardens and to all the records of the Society.

Governor may appoint an Inspector to report on Society's Gardens.

12. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 22, 1888.

(Signed) HENRY BULWER.

To provide for the Registration of Agricultural Societies.

WHEREAS it is advisable to provide for the registration of Agricultural Societies :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Whenever the words "Agricultural Society" are used in this Law they shall be held to mean any Society or Association having for its object the advancement of the Agricultural or Horticultural Industries of the Colony.

Definition of "Agricultural Society."

2. It shall be lawful for the members of any Agricultural Society to register such Society under the provisions of this Law.

Registration of Society.

3. If the members of any Agricultural Society desire to register under this Law, they shall forward to the Registrar of Deeds a copy of the Rules of their Society, together with a certified copy of the Resolution authorising the registration passed at any meeting of members duly convened, and the Registrar of Deeds shall, on the payment of a fee of Ten Shillings and Sixpence Sterling, give to the Secretary, Chairman, or other authorised officer of such Society, a certificate setting forth the facts of such registration.

Mode of Registration.

Agricultural Societies.

Appointment of
Trustees.

4. Every Society prior to registration shall at a meeting convened for the purpose nominate and appoint one or more person or persons as Trustee or Trustees, hereinafter called the Trustees, and a copy of the Resolution making such appointment shall be forwarded to the Registrar of Deeds to be filed with the copy of the Rules in his office.

Immovable pro-
perty of Society
to be vested in
the Trustees.

5. All immovable property belonging to any Society registered under this Law shall be vested in such Trustees or their successors for the time being, for the use and benefit of such Society and the members thereof; and in all actions or suits or indictments in any Court the same shall be stated to be the property of the Trustee without any further description.

Trustees to bring
or defend any
action concern-
ing immovable
property of
Society.

6. The Trustees are hereby authorised to bring or defend any cause, suit, action, or prosecution in any Court, touching or concerning the right or claim to immovable property of any Society of which they are Trustees, and may sue and be sued in their proper names as Trustees without further description: And in the event of the death or resignation of Trustees or their removal from office, any action or suit may be proceeded with by or against their successors in office as though no such death, resignation, or removal from office had taken place.

Liability of
Trustees.

7. The Trustees shall not be liable to make good any deficiency which may arise or happen in the funds of the Society, unless such deficiency shall arise from their wrongful act, neglect, or default.

Amendments in
rules of Society
may be regis-
tered.

8. It shall be competent for any Society registered under this Law to register any alterations and amendments in its Rules in the office of the Registrar of Deeds on payment of a fee of 5s. for each and every such registration.

Trustee provi-
sions of this
Law not to apply
to Society whose
incorporation
Law does not
require Trustees.
Commencement
of Law.

9. Clauses 4, 5, and 6 of this Law shall not apply to any incorporated society if the Law incorporating such Society shall not require the appointment of Trustees.

10. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 12th day of
November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 28, 1883.

(Signed) HENRY BULWER.

*To encourage the search for Minerals and Precious Stones within
the Colony of Natal.*

Repealed by Law 17, 1887.

Appointment of Acting Judges.

LAW No. 24, 1883.

(Signed) HENRY BULWER.

To amend Law 10 of 1857.

WHEREAS it is expedient to amend Law 10 of 1857, and to prevent vacancies on the Bench of the Supreme Court : Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Clause 9 of Law 10, 1857, shall be, and the same is hereby repealed, without prejudice to any acting appointment made thereunder.

Clause 9 of Law 10, 1857, repealed.

2. Whenever a vacancy on the Bench of the Supreme Court shall happen (whether by the death, resignation, sickness, incapacity, disqualification, or absence from the Colony, or suspension from office of any Judge, or Acting Judge of the Supreme Court), the Governor shall, within one month from the date of the event causing the vacancy, appoint some fit and proper person, qualified under the 8th Section of Law 10 of 1857, to act in the place of the Judge or Acting Judge, whose seat shall be vacant.

Provision for appointing Acting Judge when vacancy occurs on Bench of Supreme Court.

3. The 12th Section of Law 10 of 1857, shall apply to Acting Judges appointed under this Law : Provided always that should it be necessary to appoint an Acting Judge in consequence of leave of absence being given to a Judge of the Supreme Court, the Judge to whom such leave is given shall only be entitled to the half salary of his office after the expiry of three months.

Application of Sec. 12 of Law 10, 1857, to Acting Judges under this Law, provided that Judge on leave of absence only entitled to half salary after three months.

4. Every person appointed to act as Judge shall be entitled to receive pay for the time he may be acting, equivalent to the salary of a Puisne Judge or the Chief Justice, as the case may be.

Acting Judge to receive salary equivalent to that of Judge for whom he acts.

5. Every appointment of an Acting Judge under this Law shall be notified in the *Government Gazette*, and the notice shall state the term for which the acting appointment shall be made.

Appointment of Acting Judge and period of appointment to be notified in *Gazette*.

6. An Acting Judge appointed under this Law shall hold office for the term of his appointment, subject to good behaviour.

Acting appointment subject to good behaviour.

7. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 12th day of November, 1883.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Native Education.

LAW No. 1, 1884.

(Signed) HENRY BULWER.

Amended by
Laws 17, 1884,
38, 1884, 18, 1885,
38, 1888.

For the promotion of Elementary Education among the Children of the Native Population.

Preamble.

WHEREAS it is expedient to make provision by Law for promoting the Education of the Native Population of the Colony, and for the establishment and maintenance of Schools for this purpose :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Council of Education, with Governor's approval, to establish and maintain Schools for the education of Native children, and to make Rules and Regulations therefor.

1. It shall be the duty of the Council of Education to take such measures as may be most advisable, subject always to the approval of the Governor, for the establishment and maintenance of Schools for the Education of the children of the Native Population of either sex or both sexes in the Native Location Lands, and in other parts of the Colony ; and to frame Rules and Regulations for the above purpose, and for the government and discipline of the Schools so established, and for the holding of inspections and examinations, and for the awarding of prizes, for the encouragement of children, and in respect of all matters coming within the intent of this Law, but not otherwise specially provided for under this Law, and from time to time as occasion may require to repeal, alter, or amend all Rules and Regulations so made, and all Rules and Regulations, and all repeals, alterations, and amendments as aforesaid, when approved, shall have the same force as if embodied in this Law.

Council of Education increased from ten to twelve members, and Governor to appoint the two additional members from persons acquainted with the Zulu language, &c.

2. The number of members of the Council of Education is hereby increased from ten to twelve. It shall be lawful for the Governor to appoint the two additional members to the Council of Education from persons acquainted with the Zulu language and Native habits and customs, and taking an interest in Native education. [Amended by Law 17, 1884, Sec. 1.]

Council authorised to appoint a Committee of its members for purposes of Native Education, with certain proviso.

3. The Council of Education is authorised and empowered to appoint a Committee of its members for the purposes of Native education : Provided such Committee shall contain the two members referred to in Clause No. 2 hereof, and the Secretary for Native Affairs, if a member of such Council.

Council to appoint teachers, subject to approval of Governor.

4. It shall be lawful for the Council of Education, subject to the approval of the Governor, to appoint to all Schools so established by it proper persons to be teachers, assistant teachers, or pupil teachers in such Schools, and to make Rules and Regulations regarding the appointment and payment of such teachers.

Course of instruction in Native Schools.

5. The course of instruction to be given in all Schools established, maintained, or assisted under this Law shall include the following subjects, namely :—

- (a) Reading and writing in the English language ;
- (b) Reading and writing in the Zulu language ;

Native Education.

(c) Arithmetic, up to and including the rule-of-three ;

(d) Elements of industrial training ; and

(e) In Girls' Schools, sewing and plain needle-work.

6. In all Schools established and maintained by the Government under the provisions of this Law, instruction shall be given in the principles of morality, inculcated and explained to the children in a manner adapted to their capacities, subject always to such Rules as may be laid down by the Council of Education.

7. The children taught in the Schools so established and maintained under this Law shall be not less than six years or more than fifteen years of age.

8. It shall be lawful for the Council of Education to aid and assist out of the funds placed at its disposal any Schools established, maintained, and conducted by the several Missionary Churches and Societies in the Colony or by private persons, for the Education of the Native Population : Provided always that the Schools so assisted or maintained shall conform in their course of instruction and their management to such Rules and Regulations as the Council of Education may, under the provisions of this Law, lay down as necessary to be observed in such Schools.

9. The funds at the disposal of the Council of Education for administration under the provisions of this Law shall consist of such portions of the amount of £5,000 reserved annually under the Charter for Native purposes as shall be placed at its disposal by the Governor, and of such further sums of money as may be voted by the Legislature of the Colony from time to time, or may be otherwise acquired by the Council of Education for the purposes of Native Education.

10. It shall be lawful for the Natal Native Trust to alienate and grant to the Council of Education, for the purposes of Native Education, such portions of Native Location lands as may from time to time be required as sites for Schools and School purposes.

11. It shall be lawful for the Governor to appoint an officer, who shall be called the "Inspector of Native Education," whose duty it shall be to aid and assist the Council of Education in establishing Schools for the education of Native children, and to take such active part, in the name of the Council of Education and under its control, as may be deemed necessary, in directing and superintending the establishment of such Schools, their management when established, and the course of instruction and education to be given in them. It shall be the duty also of the Inspector to visit and inspect such Schools and all Schools for the education of the Native population as shall under the provisions of this Law be aided or assisted by the Government, and to report upon the same, and generally to carry out the directions of the Council of Education in all such matters as may pertain to the establishment and maintenance of such Schools and to the course and conduct of the education given in him.

Amended by
Laws 12, 1886,
Sec. 1, and 38,
1888, Secs. 1 and
2.

Instruction to
be given in the
principles of
morality.

Age of children
taught in Native
Schools.

Amended by
Laws 12, 1886,
Sec. 2, and 38,
1888, Sec. 2.

Council of Edu-
cation to aid by
money grants
Mission Schools.

Proviso.

Sources from
which funds are
to be derived
for Native
Education.

Native Trust
may grant sites
for Schools from
Location Land.

Governor to
appoint an
Inspector of Na-
tive Education.

Duties of Inspec-
tor defined.

Native Education.—Quarantine Regulations.

Inspector to inspect Schools and furnish Annual Report to Governor.

12. It shall be the duty of the Inspector of Native Education to inspect once at least in every year every School established and maintained or assisted under this Law, and to furnish an Annual Report in writing to the Governor upon the number of Schools so established and maintained or assisted under this Law, upon the nature of the instruction given in these Schools, the attainments and progress of the Natives receiving Education in them, upon the state of the School buildings and premises, and generally upon the discipline, management, and efficiency of the several Schools.

Inspector to be acquainted with the Zulu language. Salary of Inspector, and terms of appointment.

13. The Inspector of Native Education shall be acquainted with the Zulu language, and he shall receive a salary not exceeding Four Hundred Pounds a year, subject to six months' notice and without claim to pension, together with travelling expenses at the rate of Twenty Shillings a day for every day that he is engaged in his duties of inspection.

Copies of Annual Report and Statement of Accounts to be laid before Executive and Legislative Councils. Short title.

14. Copies of the Annual Report, together with a statement of all accounts of the receipt and expenditure under the provisions of this Law shall be laid before the Executive Council and the Legislative Council as soon as possible after the termination of each year.

15. This Law shall be styled, and may be cited as "The Native Primary Education Law of 1883."

Commencement of Law.

16. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 19th day of April, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 2, 1884.

(Signed) HENRY BULWER.

To make Provision for Enforcing Quarantine Regulations on the Inland Borders of the Colony.

Preamble.

WHEREAS it is expedient in the interests of public health to make provision for the enforcement of Quarantine Regulations on the inland borders of the Colony of Natal :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follow :

Governor may appoint quarantine stations on or near inland borders of the Colony, and make regulations regarding quarantine.

1. It shall be lawful for the Governor, from time to time, to appoint such quarantine stations as he may deem necessary at places on or near the inland borders of the Colony, to direct lazarets to be constructed and maintained, and to make such regulations as he may deem meet respecting the placing in quarantine of persons, goods, letters, wares, or merchandise ; to appoint all such officers as he may

Quarantine Regulations.

consider necessary for the purpose of carrying such regulations into effect ; and to make regulations concerning quarantine and the prevention of infection, and issue such orders and give such directions as shall appear to be necessary to cut off all communication between any person infected, or under the circumstances likely to be infected, with any contagious or infectious disease, and the rest of the inhabitants of the Colony.

2. The Governor in Council is hereby authorised to pay out of the General Revenue all such moneys as may be necessary for defraying the costs incurred in the construction and maintenance of such lazarets, and all incidental expenses connected with the up-keep of such establishments and the maintenance of and medical attendance on any persons placed in quarantine under the provisions of this Law.

Expenses to be defrayed out of the General Revenue.

3. The Governor in Council is also hereby empowered to fix penalties for contraventions of any of the regulations framed under this Law : Provided that no fine imposed by such regulations shall exceed £20, or in default of payment imprisonment with or without hard labour for three months.

Penalties for contraventions of regulations.

4. Any person who shall wilfully and knowingly introduce or bring into the Colony any person suffering or labouring under Small-pox, or any other disease defined by Proclamation to be infectious, shall be guilty of an offence under this Law, and upon conviction shall be liable to a fine not exceeding £100, or in default to imprisonment for any period not exceeding six months. All offences so committed under this Section shall be prosecuted by indictment by the Attorney-General in the usual manner before the Supreme Court or any Circuit Court.

Penalty for introducing into the Colony any person suffering from small-pox or other infectious disease.

5. For the purposes of this Law the Resident Magistrates of the Colony of Natal shall respectively have jurisdiction over all contraventions of by-laws or regulations made under this Law, and made cognizable by the Resident Magistrate, although such Resident Magistrate may otherwise have no jurisdiction in the place where the contravention was committed.

Jurisdiction of Resident Magistrates respecting contraventions of by-laws or regulations.

6. All penalties incurred under by-laws or regulations made under this Law shall be paid to Her Majesty, Her heirs, and successors, and unless partly or wholly remitted shall be applied to the uses of the Government of the Colony.

Penalties paid to Crown.

7. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 18th day of August, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,

Colonial Secretary.

Harbour Regulations.—Shipping Casualties.

LAW No. 3, 1884.

(Signed) HENRY BULWER.

To amend "The Natal Harbour Regulations Law."

Preamble.

WHEREAS it is expedient to amend "The Natal Harbour Regulations Law :"

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Sec. 10 of Law
29, 1880,
amended ; Col-
lector of Customs
may be appointed
Member of Har-
bour Board.

Commencement
of Law.

1. There shall be added to the Tenth Section of "The Natal Harbour Regulations Law" the following words :—" Provided that nothing contained in this Law shall prevent the Collector of Customs of Natal from being appointed a member of the Harbour Board constituted under the said Law."

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be read and construed together with "The Natal Harbour Regulations Law" as one Law, and as if the amendment hereby made had been originally inserted in the said Natal Harbour Regulations Law.

Given at Government House, Natal, this 20th day of August, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 4, 1884.

(Signed) HENRY BULWER.

To amend the "Shipping Casualties Law, 1883."

Preamble.

WHEREAS it is expedient to amend the "Shipping Casualties Law, 1883 :"

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Person charged
to have oppor-
tunity of making
defence before
Court of Inquiry.

Amendment of
Sec. 9 of the
"Shipping
Casualties Law,
1883."

1. Every formal investigation or inquiry held under the provisions of the "Shipping Casualties Law, 1883," shall be conducted in such manner that, if any charge is made against any person, that person shall have an opportunity of making a defence.

2. The proviso to the ninth Section of the "Shipping Casualties Law, 1883," shall be and the same is hereby repealed and the following substituted therefor : " Provided that in all cases where the suspension of any such certificate shall have been for a period not exceeding three months, and the officer whose certificate has been

Shipping Casualties.—Fire Inquests.

so suspended purposes to remain in the Colony, such certificate shall be transmitted by the Court or tribunal aforesaid, together with the proceeding in such case or inquiry, and its decision, to the Governor, in order that the certificate may be returned to such officer as soon as the sentence expires. In all such cases the Court shall carefully explain, in the report sent under this section, to the Board of Trade, the manner in which such certificate has been disposed of."

3. Section 10 of the said "Shipping Casualties Law, 1883," is also hereby amended by the addition thereto of the following words:—"Each assessor shall either sign the report, or report in writing to the Board of Trade and to the Governor his reasons for dissenting therefrom."

4. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be read and construed together with the "Shipping Casualties Law, 1883," as one Law.

Given at Government House, Natal, this 20th day of August, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAWS No. 5, 1884.

(Signed) HENRY BULWER.

To provide for the holding of Inquests in cases of Fire.

WHEREAS it is expedient to make provision for conducting investigations and holding Inquests in cases of Fire: Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. In the interpretation of this Law, unless repugnant to the context, "Inquest" or "Fire Inquest" shall mean an inquest or enquiry under the provisions of this Law; "Magistrate" shall mean any Resident Magistrate, or Justice of the Peace when thereto required by the Resident Magistrate of the County or Division in which a fire may have occurred.

Interpretation clause.

2. If any fire shall occur whereby any house or building, or any property, shall be destroyed or injured, and such information shall be given as to satisfy any Magistrate that there are reasonable grounds for believing that such fire originated under suspicious circumstances, an inquest shall be held.

Inquest to be held if fire originated under suspicious circumstances.

3. Any Magistrate receiving such information as in the last preceding Section mentioned shall, without unnecessary delay, proceed to the spot where the fire occurred, and shall make an inquest as to the cause or origin of such fire, and as to the nature or extent of the damage and injury which it has occasioned.

Magistrate to hold inquest as to cause of fire and damage occasioned.

Fire Inquests.

Magistrate to
summon and ex-
amine witnesses
on oath.

Penalty for non-
attendance of
witness.

Mode of sum-
moning and
examining
witnesses.

Contempts of
Court, how
punished.

Authority of
persons to issue
warrants of
apprehension
not affected by
this Law.

Scale of expenses
payable to wit-
nesses.

If any person
believed to be
guilty of offence,
Magistrate to
cause him to be
apprehended.

Magistrate to
report to At-
torney-General
result of enquiry
as to cause of
fire, &c.

By whom
expenses of
inquest to be
paid.

4. For the purpose of making such inquest, the Magistrate shall summon and bring before him all such persons as he may think necessary, and whom he deems capable of giving information or evidence concerning such fire, and shall examine such persons on oath, and shall reduce their examinations to writing.

5. If any person summoned as a witness shall not attend pursuant to such summons, then such person so making default shall, unless some reasonable excuse be proved by oath or affidavit, be liable to be fined by the Magistrate issuing such summons such sum, not exceeding Ten Pounds, as such Magistrate shall think fit, and such Magistrate may issue his warrant for the apprehension of such person so making default.

6. The Magistrate presiding at any inquest shall administer to the persons appearing to give evidence such oaths or other solemn forms as *mutatis mutandis* are in use in criminal cases; and the forms of summonses and of warrants of apprehension set forth in the Schedule to this Law shall, as near as may be, be used in all matters to which such forms refer.

7. All contempts committed by witnesses, or others, before or in regard to any inquest, shall be dealt with in like manner, *mutatis mutandis*, as contempts committed by witnesses and others before any Resident Magistrate's Court.

8. Nothing in this Law contained shall prevent any person authorised by Law to issue warrants of apprehension, or authorised to apprehend offenders, or supposed offenders, from acting in all respects as regards such warrants or such offenders, whether an inquest shall or shall not have been commenced, precisely as if this Law had not been passed.

9. All witnesses summoned, or attending to give evidence before any fire inquest, shall be entitled to receive their expenses as if summoned to give evidence at a criminal trial or preparatory examination.

10. If the Magistrate upon any such inquest shall see reason to believe that any crime or offence has been committed in connection with such fire by any person who can be made amenable to justice, the Magistrate shall cause such person to be apprehended, in order that a preparatory examination may be instituted against him.

11. At the close of such inquest the Magistrate shall report in writing to the Attorney-General, as to the cause or origin of the said fire, whether in his opinion it was kindled by design, or was the result of accident, or negligence, stating the full particulars of the case, and the conclusions at which he shall, in regard to it, have arrived.

12. In case upon any such inquest, it shall appear that there were reasonable or probable grounds for suspecting or believing that the fire originated under such circumstances as to tend to the inference that it was criminally occasioned, the expense of the inquest shall be paid by the Public Treasury; if otherwise, such expense shall be paid by the person requiring or demanding the holding of the inquest. The certificate of the Attorney-General, as

Fire Inquests.

to the liability for the payment of such expense by the Treasury, or by any such person, shall be final and conclusive.

13. Any Magistrate called upon to hold an inquest, may require the person demanding the same, to deposit a sum of money, or to enter into a recognizance, with or without sureties, for the due payment of the expense of holding such inquest, in case such person shall thereafter be required to pay such expense.

Person demanding inquest may be required to give security for payment of expenses.

14. In case any action shall be brought upon or in respect of any policy of insurance against risk of fire, and the Court before which such action is tried shall determine that the plaintiff is not entitled to recover upon such policy by reason of fraud or other sufficient ground, it shall be competent for such Court, if it shall see fit, to order that the expenses incurred in the holding of any inquest into the origin or cause of the fire (if such inquest shall have been held) shall be deemed and taken to be part of the costs to be paid by the plaintiff, against whom costs shall have been adjudged.

If plaintiff in action on insurance policy adjudged not entitled to recover, Court may order that expenses of inquest form part of costs to be paid by plaintiff

15. The officers attached to the Court of the Resident Magistrate of the Division in which a fire shall occur, shall execute all the services required under this Law.

Officers of Magistrates' Courts to execute all services under this Law.

16. This Law may be cited as the "Fire Inquests Law, 1884," and shall come into operation from and after the promulgation thereof in the *Natal Government Gazette*.

Short title, and date of commencement of Law.

SCHEDULE.*Form of Process for Summoning Witnesses.*

Fire Inquest for the Division of

To (name of the Constable or person to whom the process is directed).

Schedule referred to in Section 6.

You are hereby required in Her Majesty's name to summon
A.B. (describe him particularly) that he appear before
me at on the day of 18 ,

at the hour of in the fore } noon (as the case may be), then
after }
and there to be examined at an inquest concerning a fire which
occurred at on (state the place and time).

Therein fail not at your peril.

Dated at this day of
18 .

Resident Magistrate.

L

*Fire Inquests.—Public Documents.**Form of Warrant for Apprehension of a Defaulting Witness.*

Fire Inquest for the Division of

To (name of person to whom the process is directed) and Constables and other officers of the Law proper to the execution of criminal warrants.

Whereas A. B. of (describe him particularly as in the Summons) who was duly summoned to appear before me at (name the place as in the Summons) then and there to be examined at an Inquest concerning a Fire which occurred at on (stating the place and time) hath refused or neglected so to do, to the great delay and hindrance of justice, these are therefore in Her Majesty's name to command you to apprehend and bring before me the body of the said A. B., that he be dealt with according to Law; and for so doing this shall be your warrant.

Dated at this day of
18 .

Resident Magistrate.

Given at Government House, Natal, this 20th day of August, 1884.

By command of His Excellency the Governor,
(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 6, 1884.

(Signed) HENRY BULWER.

*To provide for the production in evidence of Copies, instead of
Originals of Public Documents.*

Preamble.

WHEREAS much inconvenience is experienced by the practice of summoning public officers to produce in evidence books, documents, and maps, or diagrams in their custody:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof as follows:—

Certified copies
or extracts from
documents
admissible in a
Court of Justice
in place of
originals.

1. Whenever it shall be necessary for any person to adduce proof in any Court of Justice, or before any person now or hereafter having, by Law or consent of parties, authority to hear, receive, and examine evidence of the contents of any book, document, map, or diagram, in any public office, or in charge of any public officer, he shall only produce a copy or extract therefrom, signed and certified

Public Documents.—Savings Banks.

by the officer to whose custody the original is entrusted, and such copy or extract shall be admissible in evidence in such Court, or before such person, in place of the original: Provided that it shall be lawful for the Judge, or person presiding in such Court, or such other person as aforesaid, to require (upon his being satisfied that in any particular cause or enquiry such production is necessary for the ends of justice) that the original of such book, document, map, or diagram, shall be produced in addition to the copy as aforesaid.

Judge may require production of original documents.

2. Public officers to whose custody the originals of such books, documents, maps, or diagrams are entrusted, are hereby required to furnish certified copies or extracts therefrom on payment, by the party applying therefor, of a fee in accordance with the tariff of fees for the time being in force relating to the office from which any such certified copy or extract is required.

Public Officers having custody of original documents to furnish certified copies or extracts.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 20th day of August, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 7, 1884.

(Signed) HENRY BULWER.

To amend the "Government Savings Bank Law, 1882."

WHEREAS it is expedient to make provision for the investment of Moneys in the hands of the Colonial Treasurer, on account of Deposits under the "Government Savings' Bank Law, 1882:—

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Governor may from time to time, upon the re-commendation, of the Colonial Treasurer, direct that any moneys received as deposits under the said "Government Savings Bank Law, 1882," shall be invested in some one or more securities of any Colony or Dependency of Great Britain: Provided that the sum so invested at any one time shall not exceed in amount seven-eighths of the total of the deposits under the said Law.

Governor may direct investment of Savings Bank Deposits to the extent of seven-eighths of total amount deposited.

2. Every such investment shall be made through the Crown Agents for the Colonies, and the interest accruing therefrom shall be paid to the credit of the Colonial Revenue.

Investment to be made through Crown Agents.

Savings Banks.—Port Department.

Expenses to be
paid out of
Colonial
Revenue.

3. All expenses of, or incidental to, the investment and management of such moneys shall be paid out of the Colonial Revenue.

Commencement
of Law.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be read and construed together with the "Government Savings Bank Law, 1882," as one Law.

Given at Government House, Natal, this 20th day
of August, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Law No. 8, 1884.

(Signed) HENRY BULWER.

*To amend Law No. 18, 1883, entitled Law "To abolish certain
offices under Government connected with the Port Department."*

Preamble.

WHEREAS it is necessary to amend the Schedule attached to Law 18, 1883, by the addition thereto of the name of Pilot Tiras Russell Wellington :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Pilot Wellington's
name added
to Schedule
annexed to Law
18, 1883.

1. There shall be added to the Schedule of Law 18, 1883, under the head of "Port Department," the name of Tiras Russell Wellington, Pilot, and this Law and Law 18, 1883, shall be read and construed together as one Law, as if the aforesaid name was originally inserted in the Schedule annexed to Law 18, 1883.

Commencement
of Law.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 20th day of
August, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Appeal from Circuit Courts.—Carriers.

Law No. 9, 1884.

(Signed) HENRY BULWER.

To amend Section 42 of the Law No. 10, 1857.

WHEREAS by the 42nd Section of the Law No. 10, 1857, provision is made for security on appeal from a Circuit Court being approved by the Judge of such Circuit Court, and whereas this requirement occasions inconvenience, and it is expedient to make better provision in that behalf :

Preamble.

Be it therefore enacted by the Governor of Natal, by and with the advice of the Legislative Council thereof, as follows :—

1. The security in the said 42nd Section referred to may be to the satisfaction of the Registrar of the particular Circuit Court or of the Registrar of the Supreme Court, and need not exceed more than twenty per cent. of the sum to be recovered, without prejudice, however, to any appeal in respect thereof to the Supreme Court or to any Judge thereof.

Security on
appeals from
Circuit Courts
may be approved
by Registrar.

2. This Law shall be in operation on and after the promulgation thereof in the *Government Gazette*.

Commencement
of Law.

Given at Government House, Natal, this 20th day of August, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

 LAW No. 10, 1884.

(Signed) HENRY BULWER.

To amend arrangements for Business at the Durban Circuit Court.

Repealed by Law 3, 1885.

 LAW No. 11, 1884.

(Signed) HENRY BULWER.

To make provision for the more effectual protection of Railway Companies, Mail Contractors, and other Common Carriers for Hire, against the Loss of or Injury to Parcels or Packages delivered to them for conveyance, the value and contents of which shall not be declared to them by the owners thereof.

WHEREAS by reason of the frequent practice of Bankers and others of sending by Railway, Mail Carts, Wagons, Vans, and other public conveyances by land for hire, parcels and packages containing

Preamble.

Carriers.

Money, Bills, Notes, Jewellery, Gold, Precious Stones, and other articles of great value in small compass, much valuable property is rendered liable to depredation, and the responsibility of Railway Companies, Mail Contractors, and other Common Carriers by land for hire is greatly increased :

And whereas through the frequent omission by persons sending such parcels and packages to notify the value and nature of the contents thereof, so as to enable such Railway Companies, Mail Contractors, and other Common Carriers, by due diligence to protect themselves against losses arising from their legal responsibility, they have become exposed to great and unavoidable risks, and have thereby sustained heavy losses :

And whereas it is expedient to diminish the responsibility of Railway Companies, Mail Contractors, and other Common Carriers for Hire, in respect of the safe custody and carriage of parcels and packages containing articles of great value in small compass :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

No Liability for
loss of goods over
£10 value, unless
booked and paid
for accordingly.

1. No Railway Company, Mail Contractor, or other Common Carrier by land for Hire, shall be liable for the loss of or injury to any article or articles or property of the description following (that is to say), the current gold or silver coin of this Colony, under the Proclamation of *Government Gazette*, February 14th, 1882, or of any other part of Her Majesty's dominions, or of any foreign State, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewellery, watches, clocks, or timepieces of any description, trinkets, bills, notes, of any Bank in Her Majesty's Dominions or of any Foreign Bank, orders, notes, or securities, for payment of money, whether foreign or otherwise, stamps, maps, writings, title deeds, paintings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks, in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials, furs, lace, ostrich feathers, or any of them contained in any parcel or package which shall have been delivered, either to be carried for hire, or to accompany the person of any passenger in any railway carriage, mail cart, wagon, or other public conveyance, when the value of such article or articles or property aforesaid contained in such parcel or package shall exceed the sum of Ten Pounds sterling, unless at the time of the delivery thereof at the office, warehouse, or receiving house of such Railway Company, Mail Contractor, or other Common Carrier, or to its, his, her, or their clerk, bookkeeper, driver, or other servant, for the purpose of being carried or of accompanying the person of any passenger as aforesaid, the value and nature of such article or articles or property shall have been declared by the person or persons sending or delivering the same, and such increased charge as hereinafter mentioned, or an engagement to pay the same be accepted by the person receiving such parcel or package.

Carriers.

2. When any parcel or package containing any of the articles above specified shall be brought or delivered, and its value and contents declared as aforesaid, and such value shall exceed the sum of Ten Pounds, it shall be lawful for such Railway Company, Mail Contractor, and other Common Carriers to demand and receive an increased rate of charge, as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles; and all such persons sending or delivering to any of the above-named parties, parcels or packages containing such valuable articles as aforesaid, shall be bound by all the conditions of this Law without further notice.

Increased rate may be charged when value of parcel exceeds £10.

3. When the value shall have been so declared, and the increased rate of charge paid, or an engagement to pay the same shall have been accepted as hereinbefore mentioned, the person receiving such increased rate of charge or accepting such agreement shall, if thereto required, sign a receipt for the package or parcel, acknowledging the same to have been insured; and if such receipt shall not be given when required, the Railway Company, Mail Contractor, or other Common Carrier as aforesaid, shall not have or be entitled to any benefit or advantage under this Law, but shall be liable and responsible as at the Common Law, and be liable to refund the increased rate of charge.

Carriers to give receipts, and in default thereof not entitled to protection of this Law.

4. On and from the expiration of one month next after the passing of this Law, no public notice or declaration heretofore made, or hereafter to be made, shall be deemed or construed to limit, or in anywise affect the liability at Common Law of any such Railway Company, Mail Contractor, or other Common Carrier as aforesaid, for or in respect of any articles or goods sent or delivered for conveyance by any such Railway Company, Mail Contractor, or other Common Carrier as aforesaid; but all and every such Railway Company, Mail Contractor, or other Common Carrier as aforesaid shall from and after the expiration of the said month be liable as at Common Law, to answer for the loss of or any injury to any articles or goods in respect whereof they may not be entitled to the benefit of this Law, any public notice or declaration by them or any of them respectively made and given contrary thereto, or in anywise limiting such liability, notwithstanding.

No other notices to limit the liability.

5. For the purpose of this Law every office, warehouse or receiving house which shall be used or appointed by any Railway Company, Mail Contractor, or other such Common Carrier, as aforesaid, for the receiving of parcels or packages, to be conveyed as aforesaid, shall be deemed and taken to be the receiving-house, warehouse, or office of such Railway Company, Mail Contractor, or other Common Carrier; and any one or more of such Railway Companies, Mail Contractors, or other Common Carriers, shall be liable to be sued by its, his, her, or their name or names only; and no action or suit commenced to recover damages for loss of or injury to any parcel, packages, or person shall abate for the want of joining any co-proprietor, or co-partner in such Railway, Mail or Public Conveyance by land for hire as aforesaid.

Every office, &c., to be deemed a receiving-house, and one partner liable to be sued for recovery of damages.

Carriers.

This Law not to affect special contracts.

6. Nothing in this Law contained shall extend or be construed to annul or in any wise to affect any special contract between any such Railway Company, Mail Contractor, or other Common Carrier, and any other parties for the conveyance of goods and merchandises; but no such special contract shall be binding upon or affect any party unless the same be signed by him or by the person sending or delivering such goods and merchandises, as the case may be.

In case of loss, extra rate charged to be refunded, in addition to value of parcel.

7. Where any parcel or package shall have been delivered at any such office, warehouse, or receiving-house, or into the possession of one or other of the above-named parties, and the value and contents declared as aforesaid, and the increased rate of charges been paid, and such parcels or packages shall have been lost or damaged, the party entitled to recover damages in respect of such loss or damage shall also be entitled to recover back such increased charges so paid as aforesaid, in addition to the value of such parcel or package.

Felonious acts not to be protected.

8. Nothing in this Law shall be deemed to protect any Railway Company, Mail Contractor, or other Common Carrier for hire from liability to answer for loss or injury to any goods or articles whatsoever arising from the felonious acts of any guard, porter, bookkeeper, driver, or other servant in its, his, her, or their employ, nor to protect any such guard, porter, bookkeeper, driver, or other servant from liability for any loss or injury occasioned by his, her, or their own personal neglect or misconduct.

Declared value not to be measure of damages.

9. Such Railway Companies, Mail Contractors, or other Common Carriers for hire shall not be concluded as to the value of any such parcel or package by the value so declared as aforesaid, but shall in all cases be entitled to require from any party suing in respect of any loss or injury proof of the actual value of the contents by the ordinary legal evidence, and shall be liable to such damages only as shall be so proved as aforesaid not exceeding the declared value, together with the increased charges as hereinbefore mentioned.

Carriers' Agents and Forwarding Agents to be liable as Common Carriers unless otherwise specially agreed.

10. Any Carrier's Agent, Forwarding Agent, or other person undertaking for reward to deliver any articles or goods as aforesaid to a Common Carrier by land for hire as aforesaid, for the purpose of carriage, or to procure any such Common Carrier by land for hire to carry such articles or goods shall be deemed to have received such goods to be carried by himself, and may be sued in like manner as if he had actually undertaken to carry such Goods as a Common Carrier for hire, unless before or at the time at which he shall have so undertaken it shall have been expressly agreed in writing between him and the person by whom he shall be employed, that he shall not be so liable, and that his liability shall cease upon his delivering such goods to any Common Carrier as aforesaid, or upon his procuring such a Common Carrier to carry such goods, and making the same known to the person by whom he shall have been employed, as the case may be, or upon the performance of such other conditions as shall be mutually agreed upon in writing between him and the person by whom he shall have been so employed, and unless he

Carriers.—Contracts.

shall have truly entered in a book to be kept by him the name and residence of such Common Carrier.

11. In all actions to be brought against any such Railway Company, Mail Contractor, or other Common Carrier by land for hire as aforesaid for the loss of or injury to any goods delivered to be carried, whether the value of such goods shall have been declared or not, it shall be lawful for the defendant or defendants to pay money into Court in the same manner and with the same effect as money may be paid into Court in any other action.

Defendant may pay money into Court in action under this Law as in any other action.

12. This Law shall come into operation and effect from and after the promulgation thereof in the *Natal Government Gazette*, and may be cited for all purposes as "The Carrier Law, 1884."

Commencement of Law, and short title.

Given at Government House, Natal, this 29th day of August, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Law No. 12, 1884.

(Signed) HENRY BULWER.

To render a Writing necessary for Actions in respect of certain Contracts.

WHEREAS litigation and injustice are occasioned by alleged verbal promises in certain cases being regarded as constituting causes of action, and it is expedient to make better provision in that behalf:

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. No action shall be maintainable on any contract made after this Law shall have come into operation in respect of any subject matter hereafter in this section specified, unless and save so far as such contract shall be evidenced by some writing signed by or on behalf of the person sought to be bound thereby or by or on behalf of some person for whose contracts the person sued may then be liable. The foregoing provisions shall apply to the following cases that is to say:

No action maintainable on any contract not in writing.

- (a) Any contract of suretyship or for liability for a debt or other obligation of any person other than the person so contracting,
- (b) Any contract for the sale, purchase, mortgage, charge, or gift of, or on any immoveable property or any interest therein,

Contracts.—Table Allowance to Mayors.

- (c) Any contract to grant or take a lease or sub-lease of immoveable property or of any interest therein for a period exceeding two years from the time of making such contract or for the cession of any such lease or sub-lease having then more than two years to run,
- (d) Any other contract that is not to be performed within the space of one year from the making thereof: Provided always, that a contract, as to any standing crop of one season, and which can be completely performed within twelve months after the time of making the contract, shall not be deemed within sub-section *b* of this section: Provided also that the foregoing sub-section *a* and the present sub-section *d* shall not be deemed to apply to contracts between any of the persons ordinarily known in this Colony as Natives, and who are still under Native Law.

Section 1 hereof not to apply to contract of which there has been part performance.

2. The foregoing section shall not apply to any contract in respect of which it shall appear to the Court in which the action shall be pending, or to any Court of Appeal therefrom, that there has been part performance by any party or his representative in such a way as is inconsistent with any other reasonable conclusion than the actual existence of such a contract in the whole or in part. And in the latter case such part may be enforceable though the whole may not be.

Efficacy of any written contract not affected by this Law.

3. Nothing in this Law contained shall be deemed to increase or lessen the efficacy of any written contract.

Interpretation of word "contract."

4. The word *contract* shall, in and for the purposes of this Law, be deemed to include any obligation, engagement, or promise concerning any such subject matter as in the first section hereof is specified.

Commencement of Law.

5. This Law shall commence and take effect at the expiration of three months from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, Natal, this 29th day of August, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 13, 1884.

(Signed) HENRY BULWER.

To amend Law 19 of 1872.

Preamble.

WHEREAS it is expedient to amend Law 19 of 1872, and to enable the Town Councils of Boroughs to increase the table allowance to be paid to Mayors :

Table Allowance to Mayors.—Customs Duties.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Section 5 of the Municipal Corporations Law, No. 19, 1872, is hereby amended by the addition of the following words : And any further sum or sums that may be, from time to time, specially voted by a majority of two-thirds of the whole Council : Provided that such table allowance shall not exceed in the whole Four Hundred Pounds Sterling in any one year.

Section 5 of
Municipal
Corporations
Law, 1872,
amended.

Mayor's table
allowance not to
exceed £400 a
year.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement
of Law.

Given at Government House, Natal, this Sixth day of September, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 14, 1884.

(Signed) HENRY BULWER.

Suspended till
31st December,
1888, by Law 4,
1886, and till
31st December,
1890, by Law 1,
1889.

To alter in certain respects the Customs Duties payable in the Colony.

WHEREAS it is expedient to alter the duties of Customs upon certain articles imported into this Colony, and now liable to such duties, and to impose Customs Duties upon certain articles now admitted duty free :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. In lieu and instead of, the duties of Customs now leviable upon certain articles imported in this Colony under any Law heretofore in force, there shall be raised, levied, collected, and paid into the revenues of this Colony, upon the goods mentioned in the Schedule annexed to this Law, imported and brought into the Colony of Natal, the several duties of Customs, as the same are respectively inserted, described, and set forth in such Schedule.

Duties in Schedule to be levied on goods imported.

2. The several fees and charges, as set forth in the Schedule hereunto annexed, shall be payable to the Collector of Customs at the importation and entry at the Custom House by him of any of the goods, wares, and merchandise in such Schedule mentioned or referred to, imported or brought into this Colony.

Fees in Schedule payable on importation and entry of goods.

3. The Schedule of Customs Duties annexed to Law No. 1, 1867, and Law No. 2, 1872, so far as the same differ from or are inconsistent with the Schedule to this Law annexed, but not otherwise, shall be and the same are hereby repealed.

As far as inconsistent herewith Schedules to Laws 1, 1867, and 2, 1872, repealed.

Customs Duties.

Short title.

4. This Law may be cited as the "Customs Duties Amendment Law, 1884."

Commencement of Law.

5. This Law shall commence and take effect from and after the First day of October, 1884.

Schedule.

SCHEDULE.

	£	s.	d.
Ale, Beer, and Cider, per gallon	0	0	9
Bacon, Hams, and Lard, per 100 lbs.	0	8	4
Beads, per lb.	0	0	2
Butter, per lb.... ..	0	0	8
Cement, Portland and Roman, per cask not exceeding 400 lbs.	0	2	0
Cocoa, Jams, Jellies, Confectionery, Bottled Fruits, Tinned Fruits, Tinned Vegetables, Pressed Vegetables, Fruits dried (exclusive of Currants and Raisins), Preserved Meats, in tins, Salted Meats, and Pickles, per 100 lbs. or per 100 pints	0	8	4
Coffee, per 100 lbs.	0	8	0
Chicory, per 100 lbs.	0	8	0
Corn and Grain of all kinds, except Wheat, but including Peas, Beans, Oats, Dhol, and Gram, per 112 lbs.	0	1	0
Dynamite, per lb.	0	0	8
Goods, Wares, and Merchandise, not otherwise charged with duty, nor exempted from duty, and not prohibited to be imported, for every £100 value	7	0	0
Matches, in boxes or other packages, containing not more than 100 Matches, per gross... ..	0	1	0
Meal and Bran, per 100 lbs.	0	1	0
Oils of all descriptions imported in vessels containing not less than half a gallon (Chemical, Essential, and Perfumed Oils excepted), per gallon	0	0	8
Spirits of all sorts, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength, per gallon	0	9	0
Spirits (sweetened and perfumed), Liqueurs and Cordials, per gallon	0	9	0
Tea, per lb.	0	0	7
Tobacco (not manufactured), per lb.	0	0	6
Do. (manufactured), per lb.	0	2	0
Tin Plates and Tea Lead	Free		
Wine, in wood and bottle, per gallon	0	8	0

Given at Government House, Natal, this 26th day of September, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Customs Duties.—Excise Duties.

LAW No. 15, 1884.

(Signed) HENRY BULWER.

To provide for the levying of Customs Duties on Spirituous and Fermented Liquors imported into the Colony of Natal from Inland Territories.

Repealed by Law 14, 1885, except as to past operations and regulations.

LAW No. 16, 1884.

(Signed) HENRY BULWER.

To amend Law 14, 1876, and to increase the Duties levied upon Spirits distilled in the Colony of Natal.

WHEREAS it is expedient to amend the Law 14 of 1876, entitled "Law to amend the 'Excise Law, 1860,'" for the purpose of increasing the Duties levied upon spirits distilled within the Colony :

Preamble.

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. From and after the coming into operation of this Law, the duty of Three Shillings and Sixpence imposed under the provisions of Sec. 1 of Law 14, 1876, for and upon every gallon of rum or other Spirits of hydrometer proof, as denoted by the hydrometer called Sykes' Hydrometer, already made and distilled in this Colony in respect whereof duty shall not have been already paid, or which hereafter shall be made or distilled in this Colony (except as in any Law now in force specially prohibited), shall be and the same is hereby increased to Four Shillings and Sixpence sterling.

Duty on Colonial Spirits increased to 4s. 6d. per proof gallon.

2. The duty upon every liquid gallon, should the Governor see fit under the provisions of Sec. 2 of Law 14, 1868, to declare that duty shall be charged and levied upon every liquid gallon, shall be Six Shillings and Fourpence instead of Four Shillings and Elevenpence sterling for every liquid gallon of Rum or other Spirits as aforesaid.

Governor may declare duty to be 6s. 4d. per liquid gallon instead of above.

3. Sections 1 and 2 of Law 14, 1876, shall be and the same are hereby repealed. So far as not repugnant to or inconsistent with the provisions of this Law, the "Excise Law, 1868," the "Excise Law Amendment Law, 1871," Law 86 of 1874, and Law 14, 1876, shall be read and construed together with this Law as one Law.

Sections 1 and 2, of Law 14, 1876, repealed, and former Laws to be construed with this Law.

4. This Law shall come into operation upon the promulgation thereof in the *Natal Government Gazette* after the passing thereof.

Commencement of Law.

Given at Government House, Natal, this 17th day of October, 1884.

By command of His Excellency the Governor.

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Native Education.

LAW No. 17, 1884.

(Signed) HENRY BULWER.

To alter and amend in certain respects Law No 1, 1884.

Preamble.

WHEREAS by the second section of Law No. 1, 1884, entitled Law "For the promotion of Elementary Education among the Children of the Native population," it is enacted, among other things, that the two additional Members of the Council of Education shall be acquainted with the Zulu language :

And whereas it is expedient to remove the aforesaid restriction :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Sec. 2 of Law 1,
1884, amended.

1. The words "Zulu language and" after the words "persons acquainted with" in the second section of Law No. 1, 1884, shall be and are hereby expunged.

This Law and
Law 1, 1884, to
be construed as
one Law.
Commencement
of Law.

2. This Law, and Law No. 1, 1884, shall be read and construed as one Law.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 3rd day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 18, 1884.

(Signed) HENRY BULWER.

To amend in certain respects the Gaol Laws, and to make provision for the punishment of Convict Guards, or other persons in charge of prisoners, for breaches of duty.

Repealed by Law 39, 1887.

LAW No. 19, 1884.

(Signed) HENRY BULWER.

To amend in certain respects the Law and Practice in reference to Registration.

Preamble.

WHEREAS it is expedient to amend the Law in reference to Registration :

Registration.

Be it therefore enacted by the Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Laws No. 10, 1863, and No. 7, 1864, are hereby repealed : Repeal of Laws 10, 1863, and 7, 1864.
 Provided always, that such repeal shall not affect any rights or liabilities existing under the said respective Laws when this Law shall have come into operation.
2. Any Lease shall be capable of registration whether it shall be executed before the Registrar, or the due execution thereof shall be shown to the Registrar's satisfaction, or when registration shall be ordered or authorised by the Supreme Court, or any Judge thereof, or any Circuit Court having jurisdiction in respect of the property : Registration of lease.
 Provided always, that if any lease be derived or carved from out of any other lease to be made after this Law shall have come into operation, such derived lease shall not be capable of registration unless and until such other lease shall have been registered. When registration of lease requisite for sub-leases registration.
3. Any mortgage of any lease not then registered to be made after this Law shall have come into operation, shall have no greater effect than if such mortgage were only a general mortgage. Mortgages of unregistered leases.
4. Any mortgage of any title deed of a lease shall have no greater effect than if the interest in the lease were freehold in nature. Mortgages of lease deeds.
5. There shall be payable to the Revenue in respect of registration under this Law of any lease, dues by the way of transfer dues at the rate of two per cent. on one-third of the sum total of the rent for each year of the lease, whether or not such year have occurred before such registration : Transfer dues.
 Provided always, that if the rent reserved in, or by, any lease be not uniform or not the same for every year, there shall be taken for the calculation of such percentage the average yearly rent during the first one-third of the lease period, fractions for such purpose being counted as integers against the leaseholders :
 Provided also, that such percentage shall not be chargeable in respect of the registration of any cession of a registered lease, such registration of cession being subject, by way of transfer dues, to and only to a registration charge of ten shillings, save as provided by the seventh section hereof.
6. Fees payable to the Registrar in respect of mortgages on registered leases shall be the same as those payable for the time being in respect of mortgages of freeholds. Mortgage fees.
7. Where any fine, or purchase price, or money, or money's worth, shall be paid or payable, or allowed or to be allowed or the like for, or in respect of the making of any lease or of any first or subsequent cession or assignment of any interest in any lease or sub-lease there shall, in addition to any sums payable upon or for registration under this Law, be payable by the leaseholders whether there shall or shall not be such or any registration in the office of the Registrar of Deeds, a duty of four per cent. upon the amount of such fine, price, or money or money's worth, and the provisions of the several sections of the Law No. 5, 1860, hereinafter specified, shall be, as nearly as may be, respectively applicable to and in respect of, or in any way in reference to the duty by this section made payable, that is to say— Transfer dues on leases with fines.

Registration.

sections eight, nine (save as to donations), ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen (save as to change of proprietors), eighteen, twenty-two, and twenty-three: Provided always that for the purpose of so applying the said Law No. 5, 1860, the terms used therein, connected with purchase and sale and transfer respectively, may be supplied by terms more properly applicable to leasing or sub-leasing or ceding or assigning or registering as the case may be.

Mortgages and
leases not in-
creased in
validity.

Registration
Rules.

8. Nothing in this Law contained shall be held to give to any mortgage or lease any greater effect as against lessors or their mortgagees than it would have under the general Law of the Colony.

9. The Registrar may from time to time, subject to the provision of this Law, and with the allowance and approval of the Governor in Executive Council, frame and issue rules for the better regulation of registration, whether or not taking place under this Law, and may in like manner alter, repeal, or add to any such rules: Provided always, that till any rules shall be made hereunder to other effect, the rules or practice now, or for the time being, prevailing in the Registrar's Office as to form of registration in respect of freeholds and mortgages thereon shall apply as nearly as may be to registrations under this Law.

Power of Court
as to registration

10. Nothing in this Law shall be deemed to lessen the power of the Supreme Court or any Judge thereof or any Circuit Court in respect of registration.

Interpretation
clause.

11. The following words shall, save when the context otherwise requires, respectively mean, refer to, or include as follows:—

“Registrar” shall mean the Registrar of Deeds for this Colony.

“Register,” “Registration,” “Unregistered” and the various forms of these words respectively shall refer to entry or non-entry as the case may be, in any Book, List, File, or the like, proper for such entry in the office of such Registrar.

“Mortgage” shall include any pledge or hypothec or charge, or deposit or Mortgage Bond.

“Lease” shall include any sub-lease whether or not immediately derived from any other lease.

Commencement
of Law.

12. This Law shall come into operation from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 3rd day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Capture of Fish.

LAW No. 20, 1884.

(Signed) HENRY BULWER.

*To provide till the expiration of the year 1885, for the Management and Working of the Natal Government Railways.*Expired on 31st December, 1885. *Vide* Law 21, 1885.

LAW No. 21, 1884.

(Signed) HENRY BULWER.

To repeal and re-enact, with certain amendments, Laws No 8, 1868, and No 13, 1880. *Amended by
Law 18, 1887.*

WHEREAS it is expedient to make better provision for regulating the capture of fish in the Bay or Harbour of Natal, and in all the rivers and bays of the Colony, and for that purpose to repeal and re-enact, with certain amendments, Law No. 8, 1868, entitled "Law for regulating the capture of Fish within the Bay or Harbour of Port Natal," and Law No. 13, 1880, entitled Law "To amend and extend the provisions of Law No. 8, 1868, entitled 'Law for regulating the capture of Fish within the Bay or Harbour of Port Natal:'"

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The said Laws No. 8, 1868, and No 13, 1880, are hereby repealed, without prejudice however to anything done or suffered under said Laws hereby repealed, or any right, power, duty, or liability imposed, acquired, or incurred under said Laws hereby repealed, or any penalty or punishment incurred in respect of any offence against any of the said Laws hereby repealed, any legal proceeding in respect of any such right, power, duty, liability, penalty, or punishment, and any such legal proceeding may be carried on as if this Law had not passed.

*Laws 8, 1868,
and 13, 1880,
repealed.*

2. The provisions of this Law shall extend to all waters in which fish may be found in the Colony of Natal.

*Law applies to
all waters in the
Colony.*

3. It shall not be lawful for any person to erect, or cause to be erected, any fish kraal, or other similar erection for the capture of fish, or to capture or cause to be captured, or endeavour to capture any fish thereby, or by means thereof, or by any drag or stake net within the bay or harbour of Port Natal, or in any river, bay, pool, lake, or other water in this Colony, without having for any and every such purpose, first obtained a license as hereinafter mentioned; or to continue any such kraal, or other aforesaid erection, or the use of any such stake or drag net in any such water as aforesaid, after the said license shall have in any manner determined.

*Not lawful to
erect a fish kraal
or fish with drag
or stake nets
without a license.*

M

Capture of Fish.

Jurisdiction of Harbour Board under this Law.

May make By-laws.

Licenses how obtainable.

What particulars application must contain.

Licenses may be cancelled on non-compliance with undertaking.

Enquiry may be instituted before license granted, but license not to be refused if provisions of this Law complied with.

Period license to endure.

Licenses for fish kraal to be subject to conditions.

Not lawful to use drag or stake net unless approved of, and description thereof mentioned in license.

4. For the purpose of this Law, the Harbour Board constituted under "The Natal Harbour Regulations Law" shall be deemed to have jurisdiction over all matters affecting fishing in the bay or harbour, on the beach, and also over the rivers Umgeni, Umbilo, Umhlathuzana, and all creeks running into the bay, as far as the tide flows up such rivers or creeks. Such Harbour Board is hereby empowered to frame By-laws for regulating the various matters relating to fishing within its jurisdiction under this Law, subject to the confirmation of the Governor, and provided such rules and regulations shall not be inconsistent with the provisions of this Law.

5. Every license for the erection and continued use of a fish kraal, or for the capture of fish with nets under this Law, shall be obtained from the Harbour Board as regards the waters within the jurisdiction of that body under this Law, and from the Resident Magistrate of the County or Division as regards other waters within such County or Division for which any license may be applied for, on application in writing therefor. Every application for the use of a net shall state the size of such net and the manner in which it is proposed to be used. And every application for license to erect a fish kraal shall set forth the size and locality of the kraal, and be accompanied by a rough sketch showing the proposed site thereof and the adjoining kraals; and the applicant shall undertake that such fish kraal shall not be of such construction, or on such site as may obstruct the free ingress and egress of the tide, or obstruct navigable channels, or cause accumulations of sand and drift; and if such undertaking is not complied with, such license may be cancelled by the Harbour Board or the Resident Magistrate, as the case may be.

6. [Repealed. *Vide* Law 18, 1887, Sec. 1.]

7. The said Harbour Board or Resident Magistrate may institute any enquiry regarding the granting of such license, and at discretion may grant or refuse the same: Provided that the said Harbour Board or Resident Magistrate, as the case may be, shall not be entitled to refuse to grant or renew a license solely on the grounds of objections to any net or fish kraal in respect of which the provisions of this Law have been and shall be complied with.

8. Every such license shall endure for a period of twelve months, and shall commence from the date thereof.

9. Every license for the erection of a fish kraal shall be subject to such conditions as to dimensions, situation, and extent, as to the said Harbour Board or Resident Magistrate may seem fit, and be therein specified and mentioned.

10. It shall not be lawful for any person to use in any part of the bay or harbour of Natal, or any river or other water in the Colony, whether upon, or about or in connection with any fish kraal or otherwise howsoever, for the purpose of capturing any fish, any drag or stake net, or other implement of a similar nature, of whatsoever materials the same may be composed, unless the nature and description of the same shall be approved of and mentioned in any license issued by the Resident Magistrate or the Harbour Board as aforesaid, for the capture of fish as above-named.

Capture of Fish.

11. If any person shall unlawfully and maliciously destroy or injure any fish kraal or any nets within such bay or harbour, or in any river or other water in the Colony, in respect of which a license has been obtained, or shall unlawfully and maliciously remove any fish therefrom, he shall be liable to a penalty not exceeding Five Pounds, or in default of payment to imprisonment, with or without hard labour, for any period not exceeding one month.

Penalty for maliciously destroying fish kraals or removing fish.

12. Any person found committing any offence against the provisions of this Law, or the regulations framed hereunder, may be apprehended by any person so finding such offender, and delivered into the custody of the nearest police constable to be dealt with according to law.

Offenders may be apprehended by any person.

13. The Governor may, from time to time, proclaim such rules and regulations as may to him appear necessary for carrying out the objects of this Law, so far as regards any waters not included by this Law in the jurisdiction of the Harbour Board.

Governor may make rules as regards matters not in jurisdiction of Harbour Board.

14. It shall be unlawful for any person or persons to take, kill, or destroy any fish by means of poison, poisonous roots, stupefying substances, gunpowder, dynamite, nitro-glycerine, or any other explosive substance or substances of a like nature, in any public fisheries, bay, harbour, river, tributary stream, pool, or lake, or on the coast; and any such person or persons who shall be convicted of a breach of this section shall, for each offence, be subject to a penalty not exceeding Five Pounds, or to imprisonment not exceeding one month, with or without hard labour.

Prohibition of use of poisonous or explosive substances in the capture of fish.

15. Any person using sacks, canvas, and other like material for the capture of fish, and any person found in possession of fish fry under five inches long shall be deemed guilty of a contravention of this Law and be punished accordingly.

Penalty.

Persons using sacks, &c., for capture of fish, or having fish fry under five inches long, guilty of contravening this Law.

16. It shall not be lawful for any person from the fifteenth day of August to the fifteenth day of October in every year, both inclusive, to capture or destroy, or attempt or aid in capturing or destroying, by nets or night lines, any scale fish in any river, tributary stream, or other water in this Colony above the reach of the tide; and any person contravening the provisions hereof, or having in his possession any scale fish during the period above stated, shall be liable to a fine of not less than Forty Shillings and not exceeding Ten Pounds, or in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding three months.

Close season for scale fish.

17. The Harbour Board or Resident Magistrate, as the case may be, shall have power to grant leases of waters within their respective jurisdictions to persons for the purpose of propagating oysters for such period, and under such other conditions, as to extent, or area of the bed, and rent to be paid therefor, as may be defined in the rules and regulations framed under this Law: Provided that it shall be incumbent on the person applying for any such lease to show to the satisfaction of the authority empowered to grant such lease that he has the means to properly conduct the industry: And provided

Penalty for contravention.

Harbour Board and Resident Magistrate may grant leases of waters for propagation of oysters.
Proviso.

Capture of Fish.

Government may resume occupation of waters so leased, in which case lessee entitled to compensation.

Person trespassing on area leased as oyster bed, guilty of contravening this Law.

Proviso.

Close season for oysters.

Penalty for contravention.

Governor may alter periods of close seasons.

Rents and revenue from leases paid to General Revenue

Penalty for contraventions for which no special provision made in this Law.

Half of fines to be paid to informer, and other moiety to Colonial Treasury.

Proviso as to contraventions committed within any Borough or Township.

Contraventions triable in Courts of Resident Magistrates.

Artificial waters exempted from operation of this Law.

further that the Government shall have power at any time to resume occupation of the waters or beds so leased, which may be required for public purposes, in which case the lessee shall be entitled to compensation to be decided by arbitration in the usual manner.

18. Any person found trespassing on any area of water, duly leased under this Law for the purpose of propagating oysters, by walking over or anchoring any boat on any oyster bed, shall be deemed guilty of contravening this Law or the rules and regulations framed hereunder: Provided that nothing in this section shall be taken to apply to persons lawfully passing over such beds in boats.

19. It shall not be lawful for any person from the first day of October to the thirty-first day of December in every year both inclusive, to capture, take, destroy, or disturb, in any manner whatsoever, any oysters in the bay or harbour, or in any river or other water within this Colony; and any person contravening the provisions hereof, or having oysters in his or her possession during the period above stated, shall be liable to a fine of not less than Forty Shillings, and not exceeding Ten Pounds, or in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

20. The Governor may from time to time, by proclamation, change or alter the periods of the close seasons for scale-fish and oysters mentioned in this Law.

21. All rents and revenue accruing from leases and licenses under this Law shall be paid into the General Revenue of the Colony.

22. Any person contravening any of the provisions of this Law, for which special provision is not made, or any of the conditions, rules, or regulations sanctioned by the Governor, shall be liable to immediate forfeiture of his license, if then existing; also to forfeiture of such nets or other implements as are by this Law declared illegal, and of all fish illegally captured thereby, and shall be further liable to a penalty not exceeding Five Pounds for each and every such offence.

23. Half of all fines recovered in consequence of contraventions of this Law shall be paid to the informer, and the other half to the Colonial Treasury, and, unless remitted, the said half fines shall be applied to the general uses of the Government of the Colony: Provided always, that all the penalties recovered for any contraventions of this Law committed within any Borough or Township duly established under the Law in force for the time being, shall be paid into and form part of the revenue of such Borough or Township.

24. All contraventions of this Law, or of any of the rules and regulations framed hereunder, shall be tried in the Court of the Resident Magistrate of the County or Division in which such offence has been committed.

25. Nothing in this Law shall apply to the owner of any artificial watercourse, stream or dam, fishing for or capturing within the same, any fish; or to any person angling on such artificial watercourse, stream or dam, with the leave of the owner,

Post Office.

26. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*. Commencement of Law.

Given at Government House, Natal, this 7th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 22, 1884.

(Signed) HENRY BULWER.

To repeal the existing Laws relating to Postal Conveyance, and to make other and better provisions for, and regulate the Conveyance and Postage of Letters, Post Cards, Packets, Parcels, and Newspapers. Amended by Laws 10, 1887; 22, 1887; 26, 1888.

WHEREAS it is expedient to repeal the existing Laws relating to Postal Conveyance, and to make other and better provisions for, and to regulate the Conveyance and Postage of Letters, Post Cards, Packets, Parcels, and Newspapers : Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The "Post Office Consolidation Law, 1867," and Law No. 12, 1871, entitled, "Law to amend Law No. 11, 1867, entitled, "Post Office Consolidation Law, 1867," shall be, and the same are hereby repealed, save and except as to anything done, appointments, orders, regulations, and contracts made, offences committed, penalties incurred, or proceedings instituted previously to the commencement of this Law. Repeal of former Laws.

2. All letters, post cards, packets, parcels, and newspapers, received at any post office for delivery in this Colony shall be deemed inland letters, post cards, packets, parcels, and newspapers ; and all letters, post cards, packets, parcels, and newspapers received from any place beyond the limits of this Colony, or received at any post office for delivery beyond the limits of this Colony, shall be deemed to be foreign letters, post cards, packets, parcels, and newspapers. "Inland" letters, &c.
"Foreign" letters, &c.

3. In the interpretation of this Law, the words "post office" shall include any pillar-box, or wall-box, or other place set apart for the reception of letters, post cards, packets, parcels, or newspapers, under the authority of the Postmaster-General. Interpretation of expression "Post Office."

4. The Governor may from time to time make, alter and repeal regulations for all or any of the purposes following :— Governor empowered to make regulations for purposes mentioned in the sub-sections,

- (1) For the establishment and management of Post Offices.

Post Office.

- (2) For the receipt, registration, despatch, carriage, and delivery of letters, post cards, packets, and newspapers.
- (3) For the conduct and guidance of all postmasters and other officers and servants of the Post Office.
- (4) For the letting of and for the charges to be made for the use of private boxes and private bags.
- (5) For the making, issuing, sale, and respecting the use of post cards.
- (6) For providing that certain letters upon the service of Her Majesty the Queen, civil or military, shall be forwarded and received free of postage.
- (7) For regulating the issue of money orders and postal orders; the rate of commission to be received in respect of such money orders and postal orders; the persons by or through whom, and the places where, and the times when, and the manner and form in which money orders and postal orders shall be granted; and the persons in favour of whom, and the places where, and the times when, and the manner and form in which money orders and postal orders respectively shall be paid; and the length of time during which money orders and postal orders shall be current, and after which they shall become void; and the mode of forwarding advices of the transmission of moneys; and as to every other matter or thing necessary to be regulated or done for enabling the public promptly and safely to remit small sums of money through the Post Office.
- (8) For conveying small parcels from place to place within this Colony; for limiting the weight of such parcels; for regulating the rates to be paid in respect of the conveyance of such parcels not being more than threepence for every four ounces, or fraction of four ounces, and generally for regulating and controlling the receipt, registration, and delivery of such parcels.
- (9) For the making, issuing, and sale of such postage, or impressed, or embossed stamps as may from time to time be deemed necessary for the purposes of this Law; and for authorising the making and use of such office stamps as may be necessary in the General or any other Post Office:

And by such regulations may impose any penalty not exceeding Ten Pounds for any offence against any of the same.

5. Except when otherwise specially provided in this Law or by any Law now or hereafter in force, postage upon and fees for registration of every inland and foreign letter, post card, packet, parcel, and newspaper, respectively, shall be levied according to the scale and at the rate set forth in and by the first Schedule to this Law; but

Penalty for
offence against
any regulation.

Postage payable
according to
rates mentioned
in first schedule.

Post Office.

every letter, post card, packet, parcel, and newspaper sent by post from any place beyond the limits of this Colony shall be transmitted and delivered free of additional charge within this Colony ; except as hereinafter mentioned, and except in cases where it is necessary to collect the postage under any arrangement or convention to be made as hereafter mentioned, in which case the same and all fees and charges upon such letter, post card, packet, parcel, or newspaper may be collected on or before the delivery thereof respectively.

6. Inland and foreign letters not exceeding one-half ounce in weight addressed to or forwarded by any writer or schoolmaster, or any seaman on actual service in Her Majesty's navy, or by any bandmaster, army schoolmaster, or schoolmistress, sergeant, corporal, drummer, trumpeter, fifer, or private soldier on actual service in Her Majesty's Imperial or Colonial Forces or Royal Marines, shall be charged the sum of one penny in lieu of the postage in the said second Schedule mentioned, exclusive of postage (if any) payable in respect of the transmission of any such letter through any foreign territory. But no such letter shall be transmitted or delivered unless such letter relates exclusively to the private concerns of such seaman or soldier, and unless (in case of a letter forwarded as aforesaid) there shall be on the face thereof the name of the writer and his class or description in the vessel, regiment, corps, or detachment to which he belongs, and the signature of the officer having command of such vessel, regiment, corps, or detachment, nor unless (in the case of a letter addressed as aforesaid) there shall be specified on the superscription thereof, the vessel, regiment, corps, or detachment to which the person to whom it is addressed belongs. This section shall not apply to letters addressed to or forwarded by any commissioned or warrant officer, whether in the Imperial or Colonial Forces or in the Navy, or midshipman in the Navy.

Certain letters
chargeable with
1d. postage only.

Not to apply to
letters of com-
missioned or
warrant officers.

7. The Governor may from time to time, by notice published in the *Government Gazette*, direct what packets may be sent by post as inland and foreign packets within the meaning of this Law, and upon what terms and conditions the same may be sent ; and until such order be made the following and no others, may be sent by post as inland and foreign packets within the meaning of this Law :—

Postal packets
defined.

- (1) "COMMERCIAL PAPERS" (in covers open at the ends or sides), under which are comprised all papers or documents written or drawn wholly or partly by hand (except letters or communications in the nature of letters, or other papers or documents having the character of an actual and personal correspondence), documents of legal proceeding, deeds drawn up by public functionaries, copies of or extracts from deeds under private seal (and whether written or printed on stamped or unstamped paper), way bills, bills of lading, invoices, and other documents of a mercantile character, documents of insurance and other public companies, all kinds of manuscript music, the manuscript of books and other literary works, and other papers of a similar description.

Post Office.

- (2) "PRINTED PAPERS" (in covers open at the ends or sides), including periodical works, books (stitched or bound), pamphlets, sheets of music (printed), visiting cards, address cards, proofs of printing (with or without the manuscript relating thereto), engravings, photographs (when not on glass or in frames containing glass), drawings, plans, maps, catalogues, prospectuses, announcements, and notices of various kinds, whether printed, engraved, or lithographed, and in general all impressions or copies obtained upon paper, parchment, or card-board by means of printing, lithographing, or any other mechanical process easy to recognise, except the copying-press, and anything usually attached or appurtenant to any of the beforementioned articles in the way of binding, mounting, or otherwise, and anything convenient for their safe transmission by post which shall be contained in the same packet; also printed, engraved, or lithographed circulars, notwithstanding that such circulars may be letters or communications in the nature of a letter;
- (3) "PACKETS" (in covers opened at the ends or sides), containing patterns or samples of merchandize not having a value of their own apart from their mere use as patterns or samples, and either unenclosed or enclosed in bags, tied so as to be easily loosened and refastened.

Definition of a
"newspaper."

Amended by
Law 26, 1888.

8. For the purposes of this Law, any publication coming within the following description shall be deemed a newspaper (that is to say): Any publication consisting wholly or in great part of political or other news, or of articles relating thereto, or to other current topics, with or without advertisements, and with or without engravings, prints, or lithographs illustrative of articles in such newspaper, subject to these conditions:—

That it be published in numbers or parts at intervals of not more than seven days.

That it be printed on a sheet or sheets unstitched.

That it have the full title and date of publication printed at the top of the first page, and the whole or part of the title and the date of publication printed at the top of every subsequent page.

Newspaper
"supplements."

And the following shall be deemed a supplement to a newspaper:— A publication consisting wholly or in great part of matter like that of a newspaper, such publication being in every case published for the first time with the issue of the newspaper of which it purports to be a supplement, and having the title and date of publication of such newspaper.

How newspapers
to be addressed
and posted.

Prohibitions.

9. Every inland or foreign newspaper shall be sent without a cover, or in a cover open at both ends; and there shall not be in or upon any such newspaper or the cover thereof any communication, character, figure, letter, or number (other than the words "newspaper

Post Office.

only," or the printed title of such newspaper, the printed names, occupation, and places of business of the printer, publisher, or vendor thereof, the name or initials of the person by whom it is sent, the name, occupation, and address of the person to whom it is sent, and the words aforesaid), nor shall anything be enclosed in or with or accompany such newspaper or cover; otherwise, there shall be charged upon every such newspaper postage at the rate for the time being chargeable upon letters: Provided always that during the space of two years from the first day of January, 1885, no postage shall be charged on the first issue of newspapers printed and published within the Colony and posted by the publishers within two days of the date of publication thereof, in printed wrappers, to be approved of by the Postmaster-General, bearing the title of the newspaper and the name and address of the publishers.

Postage not to be charged on newspapers until January, 1887.

Vide Law 10, 1887, Sec. 6.

10. The *Government Gazette*, when enclosed in a cover, open at both ends, and with the words "On Her Majesty's Service," printed thereon, together with its title and the imprint of the printer, shall if received at the General Post Office from the office of the printer, but not otherwise, be exempt from postage.

Government Gazette exempt from postage if sent by Government printer.

11. Every postmaster may refuse to transmit by post any parcel or packet exceeding seven pounds in weight, or of inconvenient form or dimensions, or containing or suspected to contain, articles likely to injure the other portions of the mail, or the person of any individual.

What packets postmasters may refuse to transmit.

12. Except in the cases in this Law or in any regulations made under the authority of this Law, expressly mentioned, the postage upon every inland and foreign letter, packet, and newspaper, and upon every parcel, and all fees (if any) upon such letter, packet, newspaper, or parcel, shall be prepaid by affixing thereon postage stamps not obliterated or defaced, and not being embossed or impressed stamps cut out of or separated from the paper, card or other material upon which such stamps were embossed or impressed, although not previously used; and in default thereof, there shall be chargeable upon every such letter, packet, or parcel, double the ordinary rate of postage for the time being payable thereon respectively: and every such newspaper may be destroyed or otherwise disposed of: Provided that postage on loose letters received from masters of vessels may be collected in money on delivery.

Adhesive stamps to be used, except where otherwise provided.

13. In case any postmaster shall not have any postage stamps of the requisite value for sale, the postage and fees (if any) upon any letter, packet, newspaper, or parcel may be prepaid in money, and shall be acknowledged by such postmaster on the face or cover of such letter, packet, newspaper, or parcel, anything to the contrary in the last preceding section notwithstanding.

When postage may be paid in money.

14. Any inland letter, inland packet, or inland newspaper, or any parcel posted with an unobliterated postage stamp of any denomination shall be regularly transmitted and delivered although the stamp be insufficient, but before delivery in this Colony there shall be paid in money double the amount of postage omitted to be prepaid, and the sum so to be paid shall be written or stamped on such letter,

Double postage payable on letters, &c., not prepaid.

Post Office.

packet, newspaper, or parcel, by the postmaster who transmits or delivers the same.

Postmasters to see that letters, &c., properly stamped.

15. Except in the cases expressly mentioned in this Law or in any such regulations as aforesaid, every postmaster shall see that every post card and every inland and foreign letter, packet and newspaper, and every parcel, bears either postage stamps or a proper acknowledgment for money respectively equal in value or amount to the postage due thereon.

Re-directed letters, &c.

16. Every letter, post card, packet, newspaper or parcel re-directed and forwarded shall be charged for postage from the place at which the same shall be re-directed to the place of ultimate delivery, such a rate of postage as the same would be liable if prepaid.

Registration of letters, &c.

17. Any person who shall send any letter, post card, packet, newspaper, or parcel by post shall be entitled to have the same registered at the Post Office at which the same shall be posted upon payment of the proper registration fee ; but such registration shall not be deemed to render the Government or the Postmaster-General, or any officer of the Post Office, liable for the loss of any such letter, post card, packet, newspaper, or parcel ; and all letters, post cards, packets, newspapers, and parcels shall be put into the Post Office, and also be delivered, at or between such hours in the day and under such regulations as the Postmaster-General shall from time to time appoint.

Double registration fee to be charged in certain cases.

Vide Law 10, 1887, Sec. 2.

18. In any case where it shall come to the knowledge of any postmaster, or officer of the Post Office, or where any postmaster or officer of the Post Office has reasonable cause to believe, that any inland or foreign letter or packet not registered under this Law, or under the postal regulations of any other country, contains any money or other valuable enclosure, such postmaster or officer may register such letter or packet, and charge thereon double the proper fee for registration ; and such fee shall be paid in money by the person to whom it is addressed before delivery, unless such person shall before or upon such delivery open the letter or packet in the presence of some postmaster or officer of the Post Office and it shall be found not to contain money or other valuable enclosure, in which case such fee shall be remitted.

How letters may be destroyed or returned.

19. Except in the cases in this Law expressly mentioned no letter, post card, packet, newspaper, or parcel shall be destroyed or returned to the writer or sender thereof without either the consent in writing of the person to whom the same is addressed, or the direction of the Postmaster-General ; and no letter, post card, packet, newspaper, or parcel shall be delivered to any person not named in the address thereof without such consent or direction as aforesaid.

Not to be delivered to third parties without consent or direction.

What letters must be transmitted to returned letter branch of General Post Office.

20. Every postmaster or other officer of the Post Office shall transmit to the returned letter branch of the General Post Office without delay any letter, post card, packet, parcel or newspaper which—

- (1) Shall have anything blasphemous, obscene, offensive or libellous written or drawn on the outside thereof.

Post Office.

- (2) Shall have no address or no legible or intelligible address.
- (3) The person to whom it is addressed shall refuse to receive or to pay for when postage is payable.
- (4) Shall be known or reasonably suspected to be posted, or to contain an enclosure, in fraud or violation of this Law, or any regulation thereunder, or of any Customs Law, or to contain any obscene enclosures : Provided always, that in the case of newspapers sub-sections 1 and 4 only shall apply.

And every letter, post card, packet, newspaper or parcel as aforesaid, posted at the General Post Office, may be there retained and dealt with as if it had been transmitted as aforesaid.

21. Any postmaster may (notwithstanding anything in the last preceding section contained) open or unfasten any packet or parcel which he has reasonable ground to suspect to be posted in fraud or violation of this Law, or any regulation thereunder, and shall close or refasten any packet or parcel so opened which he shall find not to have been so posted, and shall mark on the cover of every such packet or parcel that the same has been opened, and sign his name thereon.

Power to open packets or parcels suspected of being posted in fraud of this Law.

22. Every postmaster shall, on the last day of every month, cause a list of the then remaining or undelivered letters, post cards, packets, and parcels (other than those directed to be transmitted to the General Post Office without delay) to be made out in writing and forwarded to the Postmaster-General for publication in the *Government Gazette*; a copy of such list shall also be affixed on some conspicuous part of each Post Office, there to remain until new lists shall have been prepared and published; and all letters post cards, packets, and newspapers, which remain unclaimed after three months from the date of first receipt in the Post Office, and parcels which shall remain unclaimed after a period of three months from the date of first publication shall be transmitted to the Returned Letter Branch of the General Post Office.

List of unclaimed letters, &c., to be published in Government Gazette, and how dealt with when unclaimed for three months.

23. On the receipt at the General Post Office of any unclaimed letter, packet, or parcel originally posted in this Colony, or of any letter, packet, newspaper, or parcel posted, or reasonably suspected to have been posted, or to contain any enclosure, in fraud or violation of this Law, or of any Law relating to the Customs, or of any regulation or order made under the authority of this Law, such letter, packet, newspaper, or parcel may be opened in the General Post Office in the manner hereinafter provided.

What letters, &c., may be opened at the General Post Office.

24. Every such unclaimed letter or packet originally posted elsewhere than in this Colony shall be transmitted by the Postmaster-General to the proper authorities in the country in which such letter or packet was posted.

Foreign unclaimed letters.

25. All letters, packets, or parcels which shall be opened under the authority of this Law (except as in the twenty-first section is provided) shall be opened in the presence of the Postmaster-General, or by or in the presence of an officer of the Post Office specially nominated for that purpose by the Postmaster-General.

Who to open letters at General Post Office.

Post Office.

Unclaimed letters, &c., opened under provisions of this Law, how dealt with.

26. Every unclaimed letter, packet, and parcel which shall be opened under the provisions of this Law (unless such letter, packet, or parcel shall have been posted, or shall contain any enclosure in fraud or violation of this Law, or of any Law relating to the Customs, or of any regulation or order made under the authority of this Law, or with intent to evade payment of the postage properly chargeable thereon), shall be returned to the writer or sender thereof if the name and address of such writer or sender can be ascertained by examination of such letter, packet, or parcel, but if such writer or sender shall refuse to receive such letter, packet or parcel, or if his name and address cannot be ascertained, the same may be destroyed.

Letters containing valuables.

27. Every letter, packet, or parcel, opened under the provisions of this Law, which shall contain any valuable or saleable enclosure, shall be safely kept, and a list of its contents shall be made and preserved; and the Postmaster-General (unless such contents shall have been posted or shall be in fraud or violation of this Law, or of any Law relating to the Customs or of any regulation or order made under the authority of this Law, or with intent to evade payment of the postage properly chargeable on the letter, packet, or parcel containing them) shall cause such letter, packet, or parcel, and the said contents, to be returned registered to the sender thereof if he be known. But if the sender shall not be found or shall neglect to claim such returned letter, packet, or parcel within three months, during which period it shall, in the ordinary way, be advertised in the *Government Gazette* as unclaimed, or if the person to whom it was originally addressed shall not sooner claim it, or if the contents shall have been posted, or shall be in fraud or violation of this or any Law, regulations, or order as aforesaid, or with intent to avoid payment of the postage as aforesaid, the said letter, packet, or parcel shall be destroyed and its contents forfeited, unless the Colonial Secretary shall direct the said contents to be restored to the sender or writer; and if the contents aforesaid shall not be money, or a security or order for money payable to bearer, the same may be destroyed, sold or converted into money in such manner as the Postmaster-General may direct, and the proceeds paid into the Treasury.

Sender of opened letter, &c., to pay any postage due thereon.

28. The sender of any letter, packet, or parcel, which shall be opened under the provisions of this Law shall on demand pay the postage and fees respectively (if any) due thereon; and in case of refusal shall upon conviction pay a penalty not exceeding Twenty Shillings, and in any proceeding for the recovery of the said penalty the person from whom such letter, packet, or parcel, shall purport to have come, shall be deemed to be the sender thereof unless the person proceeded against shall prove that such letter, packet, or parcel, was not sent by him.

Governor empowered to make postal conventions.

29. The Governor may from time to time make and alter arrangements or postal conventions with the Postmaster-General of the United Kingdom, or with the proper authorities of any British

Post Office.

possession or foreign country for any or either of the purposes following :—

- (1) For the issue and payment by means of the Post Office of money orders between this Colony and Great Britain, or any British possessions or foreign country.
- (2) For the transmission to any place out of this Colony of letters, post cards, packets, parcels, and newspapers, posted in this Colony or received in mails or loose, from masters of vessels, on which no postage or insufficient postage shall have been paid, free of postage, or upon such terms as to the amount of postage or fine to be paid on delivery, and as to the application thereof as may be agreed upon.
- (3) For determining the amount and collection of postage and fees or other charges upon letters, post cards, packets, parcels, and newspapers conveyed between this Colony and such kingdom, possession or country.
- (4) For the division and mutual accounting for and payment of the money collected under any arrangement.
- (5) For the purposes above mentioned in sub-sections 3 and 4 in the case of letters, post cards, packets, parcels, and newspapers transmitted through this Colony or the said kingdom, possession or country, to or from any part of the world.
- (6) For the pre-payment (in full or otherwise) of the postage due on any letters, packets, parcels, and newspapers.

30. So soon as any arrangement or postal convention shall have been made under the authority of this Law, the Governor may from time to time issue a proclamation defining a time for such arrangement or convention to come into operation, and from and after such time the rates of postage and regulations therein set forth shall be imposed, paid, and observed.

How convention to be promulgated.

31. Subject to such regulations as may be made by the Governor under the provisions of this Law, the Postmaster-General may authorise his officers or any of them to issue money orders for sums not exceeding Ten Pounds, and postal orders for sums not exceeding One Pound, and all regulations made by the Governor relating to such money orders, and postal orders shall be binding and conclusive upon all officers of the Post Office, and upon the persons to whom such money orders and postal orders respectively, shall be granted or issued, and the payees thereof and all persons interested through or claiming under them, and upon all other persons whomsoever, and such regulations shall have the same force and effect in all respects as if contained in this Law.

Money orders and postal orders

32. No letter shall be carried for hire or reward otherwise than by post, and no letter shall be conveyed by any vehicle used for the public conveyance of passengers unless in any post office bag which may be thereby conveyed. Any person who shall send or convey any letter by any such vehicle, or otherwise than by post, or who

Restrictions as to mode of conveying letters.

Post Office.

Penalty. shall for hire take charge of the same, for such conveyance shall upon conviction be liable to pay a penalty not exceeding Ten Pounds for every such letter. And every such letter sent, conveyed, or taken charge of to be conveyed, otherwise than by post, shall be deemed to have been so sent, conveyed, or taken charge of for hire or reward unless the contrary be shown by the accused. But nothing herein contained shall extend to any letter concerning goods sent and to be delivered therewith, or containing process of, or proceedings or pleadings in any court of justice, or affidavits, or depositions; [Repealed and substituted provision by Sec. 4, Law 10, 1887.]

Exemptions.

Penalties for removing stamps from letters posted.

33. If any person shall with intent to defraud, remove from any letter, packet, newspaper, or parcel respectively, sent by post, any stamp which shall have been affixed thereon, or wilfully remove from any stamp which shall have been previously used, any mark which shall have been made thereon at any Post Office, or shall knowingly put off or use any such stamp, he shall upon conviction be liable to a penalty not exceeding Forty Pounds, or to be imprisoned with or without hard labour for any period not exceeding six months; or to both such fine and such imprisonment.

Penalties for sending dangerous substances by post.

34. If any person shall enclose in or with any letter, packet, newspaper, or parcel, or shall put into any Post Office, pillar box, or wall box for the receipt of letters, any explosive, dangerous, or destructive substance, or any matter or thing likely to injure any letter, packet, newspaper or parcel, or the person of any individual, such person shall upon conviction be liable to be imprisoned with or without hard labour for any period not exceeding five years.

List of offences and penalties.

35. Any person who shall be guilty of any of the following acts or offences shall, upon conviction, be liable to a penalty not exceeding Twenty Pounds, or to imprisonment with or without hard labour for any period not exceeding six months; or to both such fine and such imprisonment.

- (1) If he shall, contrary to the provisions of this Law or with intent to defraud, put into any Post Office anything purporting to be a letter, packet, or newspaper, within any of the exemptions by this Law allowed, or any letter purporting to belong to a class in which lower rate of postage is chargeable.
- (2) If he shall put into any Post Office any packet or parcel in or upon which or the cover whereof, there shall be any letter, communication, or intelligence not allowed by Law or shall wilfully subscribe on the outside of any packet a false statement of the contents thereof.
- (3) If he shall put into any Post Office any newspaper in or upon which or upon the cover whereof there shall be any communication, character, figure, letter, or number (other than is excepted by the ninth section of this Law or in or with which anything shall be enclosed), or which anything shall accompany.

Post Office.

- (4) If he shall put into any Post Office any letter, post card, packet, newspaper, or parcel bearing an obscene, profane, or libellous address or signature.
- (5) If he shall wilfully deface, break or injure any pillar box or wall box for the receipt of letters, or place in any such box for the receipt of letters, any substance likely to deface any letter, post card, packet, parcel, or newspaper.
- (6) If he shall detain, secrete, or keep any letter, post card, packet, newspaper, or parcel which ought to have been delivered to any other person, or any mailbag, mail box, mail parcel, letter, post card, packet parcel, or newspaper, which shall have been found by the person detaining, secreting, or keeping the same, or by any other person.
- (7) If he shall by any false pretences or misstatement induce any postmaster or any officer or servant of the Post Office to deliver to him any letter, post card, packet, newspaper, or parcel sent by post and not addressed to him.
- (8) If (being a postmaster, master of a vessel, or other person authorised to receive, sort, despatch, carry, or deliver mail letters, post cards, packets, newspapers, or parcels sent by post) he shall negligently lose, or wilfully omit or delay to despatch or deliver any such mail, letter, packet, newspaper, or parcel, whether the same shall or shall not afterwards be recovered or delivered (as the case may be).
- (9) If (being the driver of any vehicle used for the conveyance of any mail, or the guard or person in charge of a mail, whether conveyed by such vehicle or on horseback or on foot) he shall become intoxicated, or shall loiter on the road, or wilfully mispend or lose time so as to retard the arrival of the mail at its proper destination within the time limited for its arrival.

36. All mails and every loose letter, post card, packet, or newspaper, which at the time of the arrival of any vessel in any port of this Colony shall be on board thereof directed to any person in this Colony shall be delivered on demand to any postmaster or port officer of such port or to any person duly authorised in their behalf by writing under the hand of the Postmaster-General or officer in immediate charge of the Post Office, except letters concerning goods on board such vessel and to be delivered with such goods, or sent by way of introduction only, or concerning the bearer's private affairs. And any person who shall knowingly or negligently detain, or keep in his possession, or shall neglect or refuse to deliver any mail bag, mail box, or mail parcel, or any letter, post card, packet, or newspaper (except as aforesaid) after such demand made as aforesaid, shall upon conviction be liable to pay a penalty not exceeding One Hundred Pounds.

Letters arriving
by ship to be
delivered to
Post Office.

Penalties for
omitting to
make such
delivery.

Post Office.

Masters of ships
to sign declara-
tion in Sched-
ule 2.

37. The master or person in charge of any vessel arriving at any port in this Colony shall, as soon as practicable after such arrival, sign in the presence of the postmaster or other officer appointed by the Postmaster-General to receive the same at such port or the town or place nearest thereto, a declaration in the form set forth in the second schedule to this Law, and thereupon such postmaster or officer shall grant a certificate under his hand of the making thereof [Repealed by Law 35, 1887, Sec. 1]. And any master or person in charge as aforesaid who shall fail or refuse to make such declaration or who shall make a false declaration shall, upon conviction, be liable to pay a penalty not exceeding One Hundred Pounds.

Payments for
conveyance of
letters by ship.

38. Every master or person in charge of every vessel about to depart from any port in this Colony who shall receive on board thereof any mail bag, mail box, or mail parcel, for the purpose of conveying the same according to the direction thereof, shall be entitled to demand or receive for the carriage thereof

For every letter and packet contained therein the sum of one penny ;

For every newspaper, one farthing ;

such master or person giving a receipt for the amount so received by him. But nothing herein contained shall entitle the master or person in charge of any vessel under contract for the conveyance of mails to receive payment for the same as aforesaid.

Ma. ter of ships
to give notice to
Postmaster of
intended depart-
ure.

39. Every master or person in charge of any vessel not carrying mails under a contract for the carriage thereof, and being about to depart from any port in this Colony, shall before the clearance of such vessel, give to the postmaster or officer in charge of the post office at the port from which such vessel shall be about to depart, notice, in writing, of the intended time of departure of such vessel ; and such notice shall not be less than twenty-four hours. And every such master or person in charge shall from time to time give notice of any postponement of such time of departure. And such postmaster or other officer of the Post Office shall, upon receiving such notice, grant a certificate to such master or person, and until such certificate shall have been given the vessel shall not be cleared. Every master or person in charge who shall omit to give such notice as aforesaid, or who shall depart from the port before the time mentioned in such notice, shall upon conviction be liable to pay a penalty not exceeding Fifty Pounds.

Penalties for
refusing to
receive mails on
boardship.

40. If any master or person in charge of any vessel about to depart from any port in this Colony shall (after being thereto required by any officer of the Post Office, or by any port officer, or by any person duly authorised in writing in that behalf by the postmaster at such port), refuse or neglect to receive on board such vessel any mail bag, mail box, or mail parcel, or to give a receipt for the same being thereto required by the person tendering or delivering such bag, box, or parcel, or shall refuse or neglect safely to convey the same upon her then intended voyage, such master or person shall for every such offence be liable upon conviction to pay a penalty not exceeding One Hundred Pounds.

Post Office.

41. As often as the master or person in charge of any vessel shall have received any mail bag, mail box, or mail parcel for carriage or board such vessel, and such vessel shall not depart on her voyage according to the time fixed for the departure thereof, such master or person as aforesaid shall on demand return to the postmaster, port officer, or other person duly authorised in that behalf, in writing, or to the officer in charge of the Post Office, such mails, and also any gratuity which may have been paid for the carriage of the same; and in default of so doing, shall upon conviction be liable to pay a penalty not exceeding One Hundred Pounds.

Master not sailing as notified to return mails and gratuity.

42. Every postmaster and other post officer shall, before the exercise by him of the duties of his office, take and subscribe before a Justice of the Peace a solemn declaration, which every Justice of the Peace is hereby authorised and required to administer, in the form in the third schedule to this Law.

Declaration to be made before J.P. by each postal officer.

43. Any postmaster or other officer employed in the Post Office or any master of a vessel or other person employed by or under any postmaster, or employed or authorised to receive, sort, carry, or deliver, mails, or letters, post cards, packets, newspapers, or parcels sent by post, or otherwise employed in the business of the Post Office, who shall offend against or wilfully neglect or omit to comply with any of the arrangements or regulations to be made under the provisions of this Law, or with any of the provisions of this Law (for breach or neglect of which no other penalty is by this or any other Law provided) shall upon conviction be liable to a penalty not exceeding Fifty Pounds.

Penalty on postal officers, ship-masters, and others for breach of provisions of this Law or regulations hereunder.

44. If any person shall be convicted of any of the offences following, he shall be liable to be imprisoned and kept at hard labour for any period not exceeding seven years.

Offences and penalties.

- (1) If he shall forge, alter, or imitate, or assist in forging, altering, or imitating any stamp, envelope, or cover, or any money order or postal order, used or made under the authority, or for the purposes of this Law, or shall use, offer, utter, or dispose of, any forgery or imitation of any such stamp, envelope or cover, or any money order or postal order, knowing it to be forged, or with a fraudulent intent;
- (2) If he shall engrave, or in anywise make upon any plate or material whatever, any stamp used for the purposes of this Law without the authority of the Executive Government (the proof of which authority shall lie upon the person accused);
- (3) If he shall make, or cause to be made, or assist in making, or have in his custody or possession without lawful excuse (the proof whereof shall lie on the person accused) any mould, frame, or other instrument, having thereon any words, letters, figures, marks, lines, or devices peculiar to paper provided, or used for postage stamps, money

Post Office.

orders, or postal orders; or if any person shall make or procure to be made, or assist in making, or have in his custody or possession, without lawful excuse (the proof whereof shall lie on the person accused), any paper, in the substance of which shall appear visible any words, letters, figures, marks, lines, or devices peculiar to paper provided for postage stamps, money order-, or postal orders, and intended to imitate or pass for the same;

- (4) If he shall, without lawful excuse (the proof whereof shall lie on the person accused), sell, purchase, dispose of, or receive, or take, or have in his custody or possession any paper provided for the purpose of being used for postage stamps, money orders or postal orders, before the same shall have been issued for public use;
- (5) If he shall, for his own gain or purposes, or with intent to defraud, make use of any stamp, die, or plate, provided by any person charged with the duty of providing stamps, dies, or plates for the purposes of this Law.

Addition hereto
vide Law 10,
1887, Sec. 5.

In case of prosecution, property in letters posted to be regarded as vested in Postmaster-General.

45. In any prosecution for any crime or offence committed upon or in respect of any mail bag, mail box, or mail parcel, or any letter, post card, packet, parcel, or newspaper sent by post, or any property, moneys, money order, or postal order, under the management or control of the Postmaster-General, or when any matter or thing shall have been done or committed with any malicious, injurious, or fraudulent design, intent, or purpose, relating to, or concerning the Post Office, or any such property, moneys, money order, or postal order, it shall be sufficient to allege the property to belong to or to be in the lawful possession of the Postmaster-General, and any such act, deed, matter, or thing to have been done or committed with intent to injure or defraud the Postmaster-General without setting forth his name.

Jurisdiction of Resident Magistrates under this Law.

46. The Courts of the Resident Magistrates, respectively, shall, have jurisdiction for the trial of any offence created by this Law, in respect whereof the penalty which may be imposed shall not exceed Twenty Pounds, or the period of imprisonment which may be awarded shall not exceed Six Months.

No action against Government for delay in transmission of letters, &c.

47. No action or suit shall be capable of being brought against the Colonial Government or against the Postmaster-General by reason of any default, delay, omission, or loss in respect of any letter, post card, packet, newspaper, or parcel posted or received for transmission under the provisions of this Law; or for or by reason or in consequence of payment of the amount of any money order or postal order being delayed.

Decision as to what is a letter, packet, &c., to rest with Postmaster-General.

48. If any question arises whether any postal packet is a letter, post card, newspaper, supplement, book packet, circular, or other description of postal packet within the meaning of this Law, or any rule framed under this Law, the decision thereon of the Postmaster-General shall be final, save that the Governor may, if he think fit,

Post Office.

on the application of any person interested, reverse or modify the decision and order accordingly.

49. The Postmaster-General may, in his own name, with the approval of the Governor, enter into any contract in writing for the conveyance as mails within or from or to the Colony of any letter, post cards, parcels, packets, or newspapers mentioned in this Law, and may in like manner be sued thereon or in relation thereto; and shall also employ such number of mail carriers as may be necessary for the conveyance of such mails throughout the Colony; and may also forward such mails by any other mode of conveyance that he may deem best.

Postmaster-General may enter into contracts for conveyance of mails and employ mail carriers, &c.

50. The Postmaster-General may, by any notice, to be published in the *Government Gazette*: from time to time define or alter the limits of any city, town, or village within which letters, packets, parcels, and newspapers are to be delivered from the Post Office.

Limits of delivery from Post Office may be defined by Postmaster-General.

51. Whenever any penalty shall have been imposed under the provisions of the thirty-sixth, thirty-seventh, thirty-ninth, fortieth, forty-first, and forty-third sections, respectively, of this Law, and the person convicted shall not forthwith pay the same, the Court before which such person is convicted may direct that such person be imprisoned with or without hard labour for any period not exceeding Six Months, and such person shall be detained and kept to hard labour accordingly, unless the penalty be sooner paid.

Power to order imprisonment in case fines not paid.

52. This Law shall come into operation on the 1st day of January, 1885, and may be cited for all purposes as the "Post Office Law, 1884."

Commencement of Law.
Short title.

FIRST SCHEDULE.

LETTERS.

INLAND :	On each Letter.	One Penny.
SHIP :	To be forwarded by private ship, vessel of war, or other ship (not being a mail packet), direct to any foreign country or British Possession with which a convention for the exchange of such mail matter has not been concluded.	Sixpence.
SHIPPERS AND CONSIGNEES :	For owners, charterers or consignees of vessels arriving in any port of the Colony by such vessel.	One Penny.

For every half-ounce or fraction of half-an-ounce.

Partly repealed
vide Law 10,
1887.

Post Office.

NEWSPAPERS.

*Vide Law 10,
1887, Sec. 6.*

INLAND :	On each Newspaper for every four ounces or fraction of four ounces.	One Halfpenny.
SHIP :	On each Newspaper for every four ounces or fraction of four ounces.	One Penny.

POSTAL CARDS.

INLAND :	On each Postal Card.	One Halfpenny.
----------	----------------------	----------------

PACKETS.

INLAND :	[Repealed by Law 10, 1887. <i>Vide</i> Schedule thereto.]	
SHIP :	To be forwarded by private ship, vessel of war, or other ship (not being a mail packet), direct to any foreign country or British Possession with which a convention for the exchange of mail matter has not been concluded, for every two ounces or fraction of two ounces.	One Penny.

PARCEL POST.

INLAND :	Each parcel not exceeding four ounces.	Threepence.
	For each additional four ounces or fraction of four ounces.	Threepence.

REGISTRATION.

	For the registration of every separate article.	Fourpence.
--	---	------------

 SECOND SCHEDULE.

I, _____, do hereby declare that I have to the best of my knowledge, delivered to _____ every mail bag, mail box, mail parcel, letter packet, and newspaper that was on board the (name of vessel) at the time of her arrival at the port of _____, except such letters as are exempt by Law from such delivery.

Signed in my presence }
on the _____ day of _____ }

Post Office.—Game.

THIRD SCHEDULE.**DECLARATION.**

(Made pursuant to the provisions of the 42nd Section of the Post Office Law, 1884.)

I , do solemnly and sincerely declare that I will not wittingly or willingly open, or delay, or cause, or suffer to be opened or delayed, contrary to my duty, any Letter or anything sent by the Post, which shall come into my hands or custody, by reason of my employment relating to the Post Office, except by the consent of the Person or Persons to whom the same shall be directed, or except in such cases where the party or parties to whom such letter or anything sent by the Post shall be directed, and who is, or are, chargeable with the payment of the Postage thereof, shall refuse or neglect to pay the same : and except such Letters or anything sent by the Post, as shall be returned for want of true directions, or when the Party or Parties to whom the same shall be directed, cannot be found : and that I will not in any way embezzle any such Letter or anything sent by the Post as aforesaid ; and I make this solemn declaration conscientiously intending to fulfil and obey the same ; and by virtue of the provisions of the Law 13, 1862, entitled " Law to make further provision in respect of the substitution, in certain cases, of Declarations for Oaths."

Declared before me, at

this day of

188

Given at Government House, Natal, this 7th day of
November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 23, 1884.

(Signed) HENRY BULWER.

*Amended by
Law 24, 1885.*

*To prevent the Indiscriminate Destruction of certain valuable Wild
Animals within the Colony of Natal.*

WHEREAS it is expedient to adopt measures to prevent the capture or destruction, during certain seasons of the year, of the divers wild animals specified in the Schedules A, B, and C, to this Law annexed, and to check trespassing on the lands of private persons and Crown Lands by persons in pursuit of, or with intent to kill or capture, or wilfully disturb, any of the animals above referred to ;

Preamble.

Game.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Law 10, 1866,
repealed.

Certain birds
not to be killed,
&c., between
15th August and
30th April.

1. Law 10, of 1866, shall be and the same is hereby repealed.

2. It shall not be lawful for any person within the said Colony, from the Fifteenth day of August, to the Thirtieth day of April, both inclusive, to capture or destroy or attempt to capture or destroy, or aid in capturing or destroying by means of nets, springes, gins, traps, or snares, or by any other means, or to shoot, or hunt with dogs or otherwise, or in any other manner to kill, or attempt to kill, chase, pursue, or otherwise wilfully disturb, any of the animals specified in the Schedule A, to this Law annexed

Certain quadrupeds
not to be
killed, &c.,
between 30th
June and 31st
December.

3. It shall not be lawful for any person from the Thirtieth day of June to the Thirty-first day of December, both inclusive, to capture or destroy, or attempt to capture or destroy, or aid in capturing or destroying, by means of nets, springes, gins, traps, or snares, or by any other means, or to shoot or hunt, with dogs or otherwise, or in any other manner to kill, or attempt to kill, chase, pursue, or otherwise wilfully disturb, any of the animals specified in Schedule B hereunto annexed.

Certain quadrupeds and birds
not to be killed,
&c., without
Governor's
permission.

4. It shall not be lawful for any person, at any period during the year, to capture or destroy, or attempt to capture or destroy, or aid in capturing or destroying by means of nets, springes, gins, traps, or snares, or by any other means, or to shoot, or hunt with dogs or otherwise, or in any other manner to kill, or attempt to kill, chase, pursue, or otherwise wilfully disturb, any of the animals specified in the Schedule C hereunto annexed, except by permission of the Governor.

Penalty.

5. Any person contravening any of the three preceding sections hereof, shall be liable to a penalty not exceeding Ten Pounds Sterling, or in default of payment thereof to imprisonment with or without hard labour for any period not exceeding three months.

Penalty for
selling or having
in possession
certain birds
between 15th
August and 30th
April.

6. Any person who, between the Fifteenth day of August and the Thirtieth day of April, both inclusive, shall expose or offer for sale, or have in his control or possession, any of the birds, dead or alive, specified in Schedule A, annexed to the said Law respectively, or any portion of the said birds, shall, on conviction of such offence, be liable to a penalty not exceeding Ten Pounds sterling, or in default of payment thereof to imprisonment with or without hard labour for any period not exceeding three months, unless such person shall prove that the bird was either killed, or taken, or bought, or received during the period in which such bird could be legally killed, or from some person residing out of the Colony of Natal.

Penalty for
selling or having
in possession
certain quadrupeds
between 30th June and
31st December.

7. Any person who, between the Thirtieth day of June and the Thirty-first day of December, both inclusive, shall expose or offer for sale, or have in his control or possession, any of the animals, dead or alive, specified in Schedule B, annexed to the said Law respectively, or any portion of the said animals shall, on conviction of such offence, be liable to a penalty not exceeding Ten Pounds

Game.

Sterling, or in default of payment thereof to imprisonment, with or without hard labour, for any period not exceeding three months, unless such person shall prove that the animal was either killed, or taken, or bought or received during the period in which such animal could be legally killed, or from some person residing out of the Colony of Natal.

8. Where one or more persons, at any period of the year, shall unlawfully trespass on lands belonging to any private person without the consent of the owner or occupier thereof, or on Crown Lands without the consent of the Governor or the Resident Magistrate of the County or Division within which such lands are situated, with the intent to capture, destroy, or to aid in capturing or destroying, by nets, springes, gins, traps, or snares, or by any other means, or to shoot, or hunt, with dogs or otherwise, or in any other manner to kill, chase, pursue, or otherwise wilfully disturb any of the animals specified in the Schedules A, B, and C to this Law annexed, each and every such person shall be liable to a penalty not exceeding Ten Pounds sterling, or in default of payment thereof, to imprisonment with or without hard labour for any period not exceeding three months.

Penalty for unlawfully trespassing on private or Crown Lands in pursuit of certain quadrupeds or birds without permission.

9. Any person found trespassing on any private or Crown Lands in pursuit or in search of any of the animals mentioned in Schedules A, B, and C, hereto annexed, with or without dogs, may be lawfully required by the owner or occupier of such private lands, or any servant or other person empowered by such owner or occupier, or in the case of Crown Lands, such trespasser may be required by any Resident Magistrate, Field Cornet, or Constable, forthwith to quit such private or Crown Lands, and also to state his real name and place of abode; and any person who shall refuse or wilfully delay to quit such lands on being required so to do, or to state his true name or place of abode, shall be liable to a penalty not exceeding Ten Pounds sterling, or in default of payment thereof, to imprisonment, with or without hard labour, for any period not exceeding three months.

Penalty on persons trespassing in pursuit of certain quadrupeds or birds, and refusing to quit such lands.

10. All contraventions of any of the preceding sections of this Law may be prosecuted by any private person before the Court of any Resident Magistrate having jurisdiction, in accordance with the provisions of Ordinance No. 16, 1846, entitled "Ordinance for creating Resident Magistrates within the District of Natal," or before any Branch Court, in accordance with the provisions of Law No. 6, 1859, entitled "Law to provide for the holding of Branch Courts by Resident Magistrates."

Contraventions, how prosecuted.

11. All fines and penalties levied in virtue of any of the preceding sections hereof, shall belong to Her Majesty, Her heirs and successors, and shall be applied to the uses of the Government of this Colony: Provided it shall be lawful for such Resident Magistrate to award any sum not exceeding one-half of any such fine or penalty to any informer by whose information any person shall be convicted of contravening any of the provisions of any of the preceding sections of this Law,

Fines to belong to Her Majesty.

Molesty may be awarded to informer.

Game.

Commencement
of Law.

12. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

SCHEDULE A.

Addition hereto
by Law 24, 1884,
Sec. 1.

All varieties of the birds undermentioned, and termed or known in this Colony as the partridge, pheasant, pauw, korhan, guinea-fowl, crane, and wild duck.

SCHEDULE B.

Hares, rabbits, and all varieties of the antelope genus, generally termed or known in this Colony as the impala, rheebok, steenbok, ouribi, boschbok, bluebok, klipspringer, duiker.

SCHEDULE C.

The hippopotamus, commonly called sea-cow, eland, hartebeest, koodoo, rietbok, springbok, blesbok, ostrich, secretary-bird, turkey buzzard, known as the insingisi.

Given at Government House, Natal, this 7th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 24, 1884.

(Signed) HENRY BULWER.

To Amend the Laws relating to Customs Duties.

Repealed by Law 4, 1889.

LAW No. 25, 1884.

(Signed) HENRY BULWER.

For providing a sum not exceeding £8,818 for superintending the Construction and Maintenance of the Ladysmith Extension of the Natal Government Railways during the Year 1885.

Burial of Paupers.

LAW No. 26, 1884.

(Signed) HENRY BULWER.

To provide for the payment of the Funeral Expenses of Paupers and Destitute Persons dying within the limits of a Borough or Township.

WHEREAS it is expedient that the liability for defraying the cost of the burial of paupers and destitute persons dying within the Corporate Boroughs or Townships proclaimed under Law No. 11, of 1881, of this Colony should be declared by Law :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. From and after the coming into effect of this Law, whenever any pauper or destitute person shall die within the limits of a Corporate Borough, or of any town or village proclaimed under Law No. 11 of 1881, it shall be the duty of the Corporation, or Local Board, upon the fact of such death being reported to them, to cause the corpse of every pauper or destitute person dying, as aforesaid, to be decently and properly interred, subject to the regulations relating to burials contained in the Borough By-laws, or the By-laws under Clause 28 of Law No. 11 of 1881.

Corporations and Local Boards to bury corpses of paupers or destitute persons.

2. The cost of such interment, as aforesaid, shall be primarily chargeable against the Borough or Township Fund : Provided, however, that the Corporation or Local Board shall be entitled to recover the cost of any such interment from any property which may thereafter appear to be possessed by the deceased person.

Expense chargeable against Borough or Township Fund. Proviso.

3. In case of the refusal or neglect of any Corporation or Local Board to carry out the provisions of this Law, the Resident Magistrate of any such Borough or Township, so refusing or neglecting, may give directions for the burial of any such pauper or destitute person, and all expenses properly connected in and about the burial of any such pauper or destitute person may be recovered from the Corporation or Local Board refusing or neglecting to carry out the provisions of this Law.

If Corporation or Local Board neglect, Magistrate may direct burial, and expenses may be recovered from Corporation or Local Board.

4. This Law shall not be taken to affect the manner of burial of paupers or destitute persons who at the time of their death shall be inmates of any public Hospital, Gaol, or Lunatic Asylum.

Not to affect burial of pauper inmates of public Hospital, Gaol, or Lunatic Asylum.

5. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) O. B. H. MITCHELL,
Colonial Secretary.

Durban Corporation.

LAW No. 27, 1884.

(Signed) HENRY BULWER.

To increase the powers of the Town Council of the Borough of Durban, as regards the sale and leasing of the Town Lands of the Borough of Durban.!

Preamble.

WHEREAS it is expedient to increase the powers of the Town Council of the Borough of Durban, as regards the sale and leasing and management of the Town Lands of the Borough, and to authorise the Town Council to acquire land by sale or lease :

Be it therefore enacted by the Governor of Natal, by and with the advice of the Legislative Council thereof, as follows :—

Renewal of Leases.

1. The Town Council of the Borough of Durban may enter into an agreement with any lessee holding under them land within the Borough, and whose lease does not contain a covenant for renewal for the addition to the lease held by such lessee of a covenant giving to the lessee a right of renewal as authorised by and subject to the provisions contained in Sections 78, 79, and 80 of Law 19 of 1872, and each such lessee may demand as a right the addition of such a covenant on payment of a bonus to be mutually agreed or to be fixed by arbitration in the same way as the rent for a renewal period may be determined under Sections 79 and 80 of Law 19 of 1872 : Provided, however, that this clause shall not apply in the case of the $\frac{1}{4}$ ths portion of the Town Lands of the Borough of Durban which is specially charged by Law dated the 12th December, 1866, with the £50,000 borrowed upon "Durban Loan Securities."

Lessee may demand renewal on payment of bonus.

Proviso.

Renewal clause under this Law grants tenant right in perpetuity to renew every 21 years.

2. Any lease granted by the Town Council of the Borough of Durban now containing or hereafter, by virtue of Section 1 of this Law, to contain a renewal clause, shall be deemed to grant to the tenant a right in perpetuity to renew the lease from term to term after the first renewal period, at intervals of 21 years, at a rental to be determined on the occasion of each renewal in manner contemplated by Section 79 of Law 19 of 1872.

Council may agree for eventual transfer of freehold to lessees under "Durban Corporation Loan Law, 1866."

3. Subject to the provisos hereinafter contained, the Town Council of the Borough of Durban may at any time agree with any present or future lessee of any portion of the $\frac{1}{4}$ ths of the Town Lands of the Borough of Durban specially charged by Law dated the 12th December, 1866, with the £50,000 borrowed upon "Durban Loan Securities" for the eventual transfer to such lessee of the freehold of the land leased to such lessee upon such terms as may be mutually agreed to, provided that no such transfer shall be effected whilst any portion of the said sum of £50,000 shall be unpaid, and provided that no such agreement shall in any way prejudice the rights as a mortgagee of any person who may hold any of the debentures of the Borough of Durban known as the "Durban Loan Securities," and provided that each such agreement shall be in writing, and shall not be valid unless it recites this clause at full length.

Proviso.

Durban Corporation.

4. Any bonus which may be received by the Town Council of the Borough under this Law, and any moneys in the nature of principal, as distinguished from interest, which may be received under Clause 3 of this Law, and any moneys which may be received by the Town Council of the Borough of Durban from the sales of leased lands, and not otherwise specially appropriated by Law 3 of 1883, or otherwise, shall be invested by the said Town Council in the purchase of the Debentures or Stock of the Durban Corporation, or in the Public Debt of the Imperial Government of Great Britain, or of the Government of any Colony or Dependency of Great Britain, or in the Debentures of any Municipal Corporation in British South Africa.

Bonus and principal received under Section 3 hereof to be invested in debentures or stock,

5. The Town Council of the Borough of Durban may agree with any lessee for the surrender of any leased lands, or of portion of any leased lands, provided that this power shall not extend to the 3ths portion of the Town Lands of the Borough of Durban which is referred to in the first clause of this Law until the sum of £50,000 sterling, also referred to in the said first clause shall be fully paid, and provided that no agreement shall be made under this clause without the consent of mortgagees in cases where the interest of the lessee shall be subject to mortgage.

Council may agree for surrender of leased lands. *Proviso.*

6. The Town Council of the Borough of Durban, with the consent of the Governor, may acquire land for the purposes of the Corporation either in freehold or on lease.

Consent of mortgagees to be obtained.

7. This Law may be cited as the "Durban Borough Land Law of 1884."

Council may acquire land in freehold or on lease for Corporation purposes. *Short title.*

8. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 28, 1884.

(Signed) HENRY BULWER.

For making further provision for the Service of the Year 1884.

LAW No. 29, 1884.

(Signed) HENRY BULWER.

For providing a sum not exceeding £812,942 8s. 7d. for the Public Service of the Colony during the Year 1885.

Removal of Cattle.

LAW No. 30, 1884.

(Signed) HENRY BULWER.

To Regulate the Removal of Cattle within the Colony of Natal, and to make Provision for the Punishment of Persons found guilty of Stealing or of being in the unlawful possession of Cattle Skins.

Preamble.

WHEREAS, in consequence of the frequency of Stock Thefts in the Country Districts of the Colony, it is necessary that provision should be made for regulating the removal of Stock from place to place, with the object of rendering the detection of offenders more easy :

And whereas it is expedient to make provision for the punishment of persons found guilty of stealing, or being in the unlawful possession of the skin or skins of any Cattle :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Person removing stock more than ten miles must procure certificate setting forth names of owner and driver, description of stock, places from which being removed, and sent to, &c.

1. It shall be the duty of every person desiring the removal of stock from any place to any other place distant therefrom more than ten miles to procure a certificate, signed by a Resident Magistrate, Justice of the Peace, Field Cornet, or owner, or agent of the owner, of the said stock, stating the date upon which the same is granted, the name of the owner, and the number and description of the stock to be removed, the name of the place from which the same is being removed, and of the place to which it is being sent, and also the name or names of the driver or drivers thereof.

Certificate to be written in English or Dutch.

2. It shall be the duty of any Resident Magistrate, Justice of the Peace, Field Cornet, or owner or agent of the owner of the said stock, to whom application is made for such certificate as aforesaid, to grant a certificate written in such language, whether English or Dutch, as the person applied to may be able to write intelligibly, to the person applying for the same : Provided that the Resident Magistrate, Justice of the Peace, Field Cornet, or owner, or agent of the owner of the said stock, to whom application is made, shall be satisfied that the stock for the removal of which the certificate is required are the property or in the lawful possession of the person about to remove the same. Every certificate shall bear upon it the full address of the person granting such certificate : Provided further, that no certificate so granted shall be valid for a longer period than fourteen days.

Proviso as to person granting certificate being satisfied as to ownership of stock.

Certificate not to be valid for more than fourteen days.

If person driving stock fails to produce certificate to duly authorised person, or if particulars therein do not correspond with stock, &c., the stock may be taken

3. It shall be lawful for any Magistrate, Justice of the Peace, Field Cornet, Police Officer, Constable, or Landholder, through whose land the cattle may be driven, Keeper of a Toll-bar, or any person duly authorised by any Resident Magistrate, who may find any person driving stock, to call upon such person to produce such certificate as aforesaid, and if such person shall fail to produce such certificate, or if the stock being removed shall not correspond in

Removal of Cattle.

material respects with the certificate produced, or if the direction in which such person is proceeding with the stock shall not correspond with the direction indicated in such certificate, or if the name of the person driving the stock shall not correspond with that in the certificate, then such Magistrate, Justice of the Peace, Field Cornet, Police Officer, Constable, or Landholder, as in preceding section, if he shall be able to read such certificate, and if he shall know that such stock have been removed ten miles or more from the place from which the same were removed, may take possession of such stock and cause the same to be conveyed to the nearest pound, there to remain until liberated by order of the Resident Magistrate, or otherwise disposed of as hereinafter provided.

4. The person causing any stock to be impounded as aforesaid shall communicate to the Poundmaster the circumstances under which the same were seized, and the Poundmaster shall forthwith notify, by advertisement to be published or made known in the manner in which the pound notices for such district are published or made known, the number and description of the stock, and such information regarding the same as the person impounding the stock shall have communicated to him.

5. Any person claiming stock so impounded as his property, or lawfully in his possession, may apply to the Resident Magistrate of the district for an order for the liberation thereof, and such Resident Magistrate shall enquire into the case, and if satisfied that such stock is the property of the claimant, or was lawfully in his possession, then such Magistrate shall give an order, in writing, directing the Poundmaster of the pound in which such stock shall be impounded, to deliver the same to the claimant upon payment of the pound fees and charges; and the Poundmaster shall, at the time of the delivery of the stock, grant a certificate for the protection of such stock until the arrival thereof at the place to which it is intended to remove the same.

6. Should the person claiming any stock so seized or impounded as aforesaid fail to show to the satisfaction of such Resident Magistrate or Justice of the Peace that the stock claimed is his property or was lawfully in his possession, or should the stock be unclaimed for a period of one month after notice given by such Poundmaster as aforesaid, then the same shall be dealt with in all respects as if such stock was impounded under the provisions of Law 25, 1874, entitled, "Law to amend the Law relating to the Impounding of Cattle," as the same Law is, or may hereafter be, altered or amended by any Law or Laws; and the proceeds of sale of any such stock shall be paid into the public Treasury.

7. If any person found driving stock shall, upon being lawfully required thereto, produce to the person requiring the same a certificate under the provisions of this Law, or if the stock so driven shall not have been removed ten miles, and notwithstanding the stock found with such person shall be conveyed to the pound upon the allegation that the certificate produced is not proper and sufficient, or that such stock have been removed ten miles or more, then the owner of

possession of and removed to nearest pound to await decision of Magistrate.

Person impounding such stock to communicate particulars to Poundmaster, who shall advertise same.

Person claiming stock so impounded may apply to Resident Magistrate for order of liberation. Proceedings on such application.

If person claiming stock fails to prove they are his property, or if unclaimed for one month after being advertised, stock to be dealt with as if impounded under Pound Law.

If stock wrongfully conveyed to pound, owner entitled to recover compensation.

Removal of Cattle.

the stock shall be entitled to recover compensation from such person for any damage which he shall have sustained by reason of the impounding of such stock, including all pound fees payable or already paid.

Penalty for wilfully and maliciously wrongfully impounding stock under this Law.

8. Any person who shall wilfully and maliciously, and without probable cause, wrongfully impound any stock under colour of the provisions of this Law, shall be deemed guilty of a crime, and shall upon conviction be liable to be imprisoned, with or without hard labour, for any term not exceeding three months, or if the Court shall see fit, to pay a fine not exceeding Ten Pounds Sterling, and further to pay to the owner of such stock such amount to cover expenses and damages as the Resident Magistrate before whom the case is brought shall award, and as shall not have been awarded under the seventh section of this Law.

Penalty for fraudulently preventing removal of stock to pound in terms of this Law, or rescuing same after being impounded.

9. Any person who shall by force or violence, or by threatening to use force or violence, prevent or attempt to prevent any Resident Magistrate, Justice of the Peace, Field Cornet, Police Officer, Constable, or Landholder, or Keeper of a Toll-bar, or any person specially authorised as in the third section mentioned, from conveying to the pound any stock which he shall have a right under this Law to convey to the pound, or who shall rescue, or attempt to rescue, such stock against the will of the person in charge thereof, after the same shall have been impounded with any Poundmaster, shall, upon conviction, be fined any sum not exceeding Ten Pounds, and shall, in default of payment, be imprisoned, with or without hard labour, for any term not exceeding Two Months.

Penalty for granting false certificate, or fraudulently altering same.

10. Any person who shall knowingly grant any such certificate as aforesaid, which shall contain any wilfully false statement or description in respect of any matter material to be stated or described therein, or who shall fraudulently alter any such certificate as aforesaid, shall, upon conviction, be imprisoned, with or without hard labour, for a period not exceeding Six Months.

Certificate under this Law not to prevent proper officers exercising their authority in seizing stock supposed to have been stolen.

11. No certificate which shall be issued under the provisions of this Law shall be construed to prevent any Resident Magistrate, Justice of the Peace, Police Officer, or Constable, from seizing or detaining any stock which he may have reasonable ground for supposing to have been stolen : but every such Magistrate, Justice of the Peace, Police Officer, and Constable shall possess such and the same powers in respect to the seizure and detention of such stock as he possessed before the passing of this Law.

Person in possession of skins with other person's brand thereon, and not satisfying Court he came by same lawfully to be deemed guilty of theft.

12. If any skin or skins of any cattle bearing the mark or brand recognised and known as the mark or brand of some person other than the person in whose possession the same shall be discovered, or any portion of the same shall be found in the possession of any person he shall be bound to satisfy the Court that he came by the same lawfully, otherwise he shall be deemed to be guilty of the theft of the said skin or skins or portions of the same.

Penalty for theft or receiving stolen skins.

13. Any person who shall be convicted of stealing the skin or skins of any stock or any portion of the same, or of receiving the same well knowing it to have been stolen, shall be liable to be im-

Removal of Cattle.—Durban Chamber of Commerce.

prisoned for any term not exceeding Twelve Months, with or without hard labour.

14. The term "stock" in this Law shall be deemed and taken to mean and include any horse, mare, gelding, colt, filly, ass, mule, bull, cow, ox, heifer, steer, calf, ram, ewe, sheep, lamb, goat, or ostrich: Provided that stock under such saddle or pack-saddle, cattle employed in drawing any vehicle, whether inspanned or outspanned, or stock in the possession of the Police, shall not be deemed to be stock within the meaning of this Law.

Interpretation
clause.

15. This Law shall not be deemed to apply to Natives coming within the provisions of Law No. 10 of 1876, nor in anywise to abrogate or affect the said Law, all and singular the provisions of which shall remain in full force and effect, anything in this Law to the contrary notwithstanding.

This Law not to
apply to Natives
within provisions
of Law 10, 1876.

16. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and may be cited for all purposes as "The Cattle Removal Law, 1884."

Commencement
of Law.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW 31, 1884.

(Signed) HENRY BULWER.

To incorporate the Members of Natal Chamber of Commerce under the name of the Durban Chamber of Commerce.

WHEREAS in the Year One Thousand Eight Hundred and Fifty-six, there was formed in Durban, and now exists, an Association of persons engaged in Mercantile and Commercial pursuits called the "Natal Chamber of Commerce," having for its objects the promotion and protection of the trade and commerce of Natal, and the development of the general industrial resources of this Colony:

Preamble.

And whereas it is expedient to incorporate the Members of the said Association to enable it the more effectually to carry out its objects, and to hold, transfer, mortgage, and otherwise deal with immovable property in this Colony in its corporate name:

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. The Members of the Natal Chamber of Commerce, and future Members of the Durban Chamber of Commerce shall be, and are hereby incorporated, and declared a body corporate under the name and title of the Durban Chamber of Commerce, for the purpose of assisting in the promotion and protection of the trade and commerce, and in the development of the general industrial resources of this

Incorporation of
Durban Chamber
of Commerce.

Durban Chamber of Commerce.

Colony, and the Chamber hereby incorporated shall by the name and title of the Durban Chamber of Commerce have perpetual succession in Law, and shall have and use a common seal, and have its office in Durban: Provided that in case in any year the subscriptions for the year actually paid by Members shall fall below the sum of Two Hundred Pounds, the said Chamber shall *ipso facto* cease to be incorporated, as from the 1st of January in the next year.

2. That the said Chamber shall and may in its corporate name sue and be sued in any competent Court, and service of any notice or process at the office or last known office of the said Chamber shall be deemed good service upon the said Chamber.

3. That the said Chamber shall and may in its corporate name hold, acquire, and enjoy immovable property in this Colony under freehold, leasehold, or other tenure, and shall and may from time to time sell, transfer, mortgage, charge, exchange, or lease the same: Provided always that all acts, deeds of transfer, leases, mortgages, and other bonds and deeds required to be registered by the Registrar of Deeds of this Colony shall contain a reference to this Law, and shall be passed by the Chairman for the time being of the said Chamber when duly authorised thereto by the committee of the said Chamber under the common seal thereof, or by his attorney duly authorised in that behalf.

4. Every member of the said Chamber shall be liable in respect of debts incurred during his membership for a sum of Ten Pounds sterling, and no more, and such sum shall be additional to the subscription payable by him in respect of the current year.

5. The said Chamber shall have power to make, rescind, and alter rules and regulations for the admission and expulsion of its members, and for the management and control of its affairs, and until any new rules and regulations shall have been framed and adopted, the existing rules and regulations of the Natal Chamber of Commerce shall be and continue in force as if they were rules of the Durban Chamber of Commerce hereby incorporated, and all members now holding office in the Natal Chamber of Commerce shall continue to hold the same offices under the Durban Chamber of Commerce hereby incorporated.

6. In any criminal prosecution, preliminary enquiry or proceeding, or in any warrant, indictment, or other proceeding at law, it shall be sufficient if any goods or other things which shall or may be set out in any such indictment, warrant, or other proceeding shall be described and said to be the property of the Chamber, and the Chamber shall be described therein by its corporate name.

7. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette* of the Colony.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Proviso as to condition under which incorporation shall cease.

Chamber may be sued in its corporate name.

Chamber may acquire and hold immovable property in the Colony under its corporate name.

Extent of liability of Members in respect of debts.

Chamber may make rules and regulations for management of its affairs.

How Chamber may be described in criminal proceedings.

Commencement of Law.

Patents.

LAW No. 32, 1884.

(Signed) HENRY BULWER.

To Amend the Patent Law, No. 4, 1870.

WHEREAS it is expedient to make provision for the mutual protection of inventions for which Letters Patent have been granted either in the United Kingdom of Great Britain and Ireland or in this Colony, and for that purpose it is necessary to repeal Section 38 of Law 4, 1870, entitled "Law to provide for the granting in this Colony of Patents for Inventions:"

Preamble.

And whereas it is enacted by Section 104 of the "Patents Designs, and Trade Marks Act, 1883," the 46 and 47 Vic., cap. 57, that where it shall be made to appear to Her Majesty that the Legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade marks, patented or registered in the United Kingdom of Great Britain and Ireland, it shall be lawful for Her Majesty from time to time, by Order in Council, to apply, with such variations or additions, if any, as to Her Majesty in Council may seem fit, the provisions of Section 103 of the "Patents, Designs, and Trade Marks Act, 1883," aforesaid, to any such British possession:

And whereas the said Section 103 of the "Patents, Designs, and Trade Marks Act, 1883," provides *mutatis mutandis*, that if Her Majesty is pleased to make any arrangement with the Government of any British possession for mutual protection of inventions, designs, and trade marks, or any of them, then any person who has applied for protection for any invention, design, or trade mark in any such British possession shall be entitled to a patent for his invention or to registration of his design or trade mark (as the case may be) under the said Act, in priority to other applicants; and such patent or registration shall have the same date as the date of the protection obtained in such British possession:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Thirty-eighth Section of Law No. 4, 1870, shall be and the same is hereby repealed; and it is hereby further enacted that from and after the date of the promulgation in this Colony of the Order in Council referred to in Section 104 of the "Patents, Designs, and Trade Marks Act, 1883," all Letters Patent granted in the United Kingdom of Great Britain and Ireland shall be deemed and taken to be granted under the provisions of Law No. 4, 1870, and may be dealt with accordingly: Provided that this Law shall only apply to patents granted for inventions in the said United Kingdom, and not to designs or trade marks.

Repeal of Sec. 38,
of Law 4, 1870.

Letters Patent
granted under
46 and 47 Vic., c
57, to be deemed
granted under
Law 4 1870, after
promulgation of
Order in Council.
This Law not to
apply to designs
or trade marks.

*Patents.—Durban Borough Loan.*Commencement
of Law.

2. This Law shall come into operation from and after the date of the promulgation in the *Natal Government Gazette* of the Order in Council referred to in Section 1 hereof, and shall be read and construed together with Law 4, 1870, as one Law.

Given at Government House, Natal, this 8th day of
November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 33, 1884.

(Signed) HENRY BULWER.

Vide Law 29,
1888.

To enable the Town Council of the Borough of Durban to increase the Borough Debt, for the purpose of introducing Water into the Borough.

Preamble.

WHEREAS it is expedient to increase the borrowing powers of the Town Council of the Borough of Durban :

And whereas the present statutory debt of the Borough consists of a sum of £82,200 borrowed prior to the Law 3 of 1883, and of £110,000 borrowed under Law 3 of 1883, and a further sum of £50,000 is required for water works and other public works within the Borough, and other public purposes of the Borough :

And whereas it is expedient to authorise the borrowing by the said Town Council of the said sum of £50,000, upon condition that the said sum of £50,000 and any future loan or loans which may be authorised by Law, shall rank concurrently after the debt of £82,200 which was contracted prior to Law 3 of 1883 :

Be it therefore enacted by the Governor of Natal, by and with the advice of the Legislative Council thereof, as follows :—

Council authorised to borrow £50,000 for waterworks and other public works.

1. The Town Council of the Borough of Durban are hereby authorised to borrow, from time to time, the moneys required for water works and other public works within the Borough, and other public purposes of the Borough, to an amount of £50,000.

Application of moneys.

2. The moneys borrowed under this Law shall be applied to the objects mentioned in the last preceding Section, and to no other purpose.

Loan to be charged upon rates, rents and revenues of Borough, and how to rank.

3. The sums authorised to be borrowed under this Law, and the interest payable thereon, shall be a charge upon the rates and rents and revenues of the Borough, ranking after the Borough Debt of £82,200 contracted prior to Law 3 of 1883, and ranking concurrently with any loan raised under Law 3 of 1883, and with any future loans or loan which may be hereafter authorised by the Legislature of Natal.

Durban Borough Loan.

4. In case the interest payable on moneys borrowed under this Law shall be in arrears and unpaid for thirty days after the time appointed for the payment thereof and after demand made, it shall be lawful for the Supreme Court of the Colony of Natal as often as such default shall occur, at the instance of any person whose interest shall be in arrear, to cause a special rate to be levied upon the real or immovable property situate within the Borough which is now or may hereafter be liable to be rated for Municipal purposes under Law 19 of 1872, to the intent that all arrear interest may be paid out of the proceeds of such special rate,

In case interest in arrear Supreme Court may cause special rate to be levied on immovable property.

5. The moneys borrowed under this Law shall be repayable within fifty years from the date of borrowing.

Loan repayable within fifty years.

6. In case any moneys borrowed under this Law shall not be repaid upon demand at or after the date fixed for the payment thereof, it shall be lawful for the Supreme Court, as often as such default shall occur, and at the instance of any person whose claim shall be unsatisfied, to cause a sale or sales to be made of so much of the Town Lands of the Borough as may be necessary for the purpose of raising and paying the moneys due and payable in terms of this Law, and in case the moneys received by such land sales shall be insufficient to pay and satisfy all moneys due and payable, then the deficiency shall be made good by a special rate or special rates to be levied in the manner hereinbefore provided with respect to the payment of arrear interest.

In default of repayment of moneys borrowed, Supreme Court may direct sale of Town Lands, and if insufficient may also cause special rate to be levied.

7. Nothing in this Law shall prevent the sale of Town Lands of the Borough with the consent of the Governor, and in terms of Law 19 of 1872; but in case of sales of land after the passing of this Law, one-fifth of the net proceeds of each sale shall be used for the purchase and cancellation of stock authorised by this Law or by Law 3 of 1883, or of debentures now outstanding in connection with the said debt of £82,200 contracted prior to Law 3 of 1883.

One-fifth of net proceeds of all land sales to be applied to purchase and cancellation of stock.

8. The moneys hereby authorised to be borrowed shall be raised upon stock to be called "The Durban Corporation Stock," hereinafter referred to by the word "Stock."

Moneys borrowed to be raised upon stock.

9. Such stock shall be issued by crediting the purchaser thereof for such sum thereof as he shall purchase, in a set of books to be kept for that purpose by the Treasurer of the Borough in the Town of Durban.

Mode of crediting purchasers of stock.

10. Such stock shall bear interest at a rate not exceeding six per centum per annum payable out of the rents, rates, and general revenues of the Borough, or out of the proceeds of sales of land, on the Thirtieth day of June and the Thirty-first day of December, or as soon thereafter as demand shall be made therefor by the lawful holder of such stock, to said lawful holder or his duly authorised attorney, and such payment shall be made by the said Treasurer.

Interest not to exceed six per cent. per annum, and out of what sources payable.

11. Such stock shall be transferable by transfer in the books in which the same shall be entered, and every person to whom any such credit as aforesaid shall have been given in the said books, in the first instance or to whom any such transfer shall thereafter have been made in said books, shall be entitled to require and demand of the said

Mode of transferring stock.

Durban Borough Loan.—Primary Education.

Treasurer and the said Treasurer shall in each case issue a receipt or certificate stating the amount of such stock outstanding to the credit of the said person in the said books.

Reserved price
to be fixed for
stock.

12. Such stock shall be disposed of for the best terms which can be obtained (not below a reserve price to be from time to time fixed by resolution of the Town Council of the Borough).

Instructions to
Treasurer
regarding stock,
how given.

13. The Mayor of the Borough when thereto authorised by resolution of the Town Council, may from time to time give to the Treasurer of the Borough such instructions as to the Mayor may seem fit providing for all or any of the following things :—

- (1) For registering stock in the books to be kept for that purpose by the said Treasurer.
- (2) For managing the creation, registration, issue and transfer of stock.
- (3) For paying interest on stock.
- (4) For issuing stock certificates.

Commencement
of Law.

14. This Law may be cited as the "Durban Loan Law of 1884," and shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 8th day of
November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 34, 1884.

(Signed) HENRY BULWER.

For making further Provision for the Service of the Year 1888.

LAW No. 35, 1884.

(Signed) HENRY BULWER.

To amend Law No. 15, 1877.

Preamble.

WHEREAS it is expedient to amend certain Sections of Law 15, 1877, entitled "Law to make better provision for Primary or Elementary Education in the Colony of Natal :"

Primary Education.—Higher Education.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Section 2 of Law 15, 1877, shall be, and the same is hereby amended, by expunging the following words occurring therein :—"Of whom five shall be Members of the Executive Council of the Colony, who are also Members at the same time of the Legislative Council," and this Section when so amended, together with Section 2 of "The Native Primary Education Law of 1883," shall be read and construed together as if originally printed in the Second Section of Law 15, 1877.

Section 2 of
Law 15, 1877,
amended.

To be construed
with Section 2 of
Native Primary
Education Law,
1883.

2. From and after the coming into operation of this Law the following words shall be deemed and taken to be added to the Twelfth Section of Law 15, 1877 :—"And the Council of Education shall also have power to give aid out of the said Public Funds towards the building of Assisted Schools."

Section 12 of
Law 15, 1877,
amended.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement
of Law.

Given at Government House, Natal, this 8th day of
November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 36, 1884.

(Signed) HENRY BULWER.

Amended by
Law 2, 1889.

To Amend Law No. 16, 1877.

WHEREAS it is expedient to amend certain Sections of Law 16, 1877, entitled "Law to provide for the promotion of Higher Education in the Colony of Natal, and for the establishment, maintenance, and direction of High Schools in the towns of Pietermaritzburg and Durban :"

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Section 4 of the Higher Education Law, No. 16 of 1877, shall be, and the same is hereby repealed, and the following substituted therefor :—"It shall be lawful for the Council of Education to relieve the schools established under this Law of the necessity of giving elementary instruction in the ordinary subjects of a primary education, so far as is practicable and expedient, in order that the funds set apart for such Higher-class Schools, and the time of the teachers may be more exclusively applied to giving instruction in the higher branches of education ; and for that purpose the Head

Section 4 of
Law 16, 1877,
repealed.
Clause substi-
tuted therefor

Higher Education.—Medicine.

Master shall require all children seeking for admission to any of the High-class Schools to be previously examined as to their fitness and qualification to be admitted into any such High-class School ; and no one shall be admitted until he shall have reached the age of nine years, and until he shall have satisfied the Head Master of such High-class School on such examination that he is qualified for admission thereto."

Section 8 of
Law 16, 1877,
repealed.

Council of
Education to
appoint subject
to approval of
Governor, Head
Masters and
Assistant
Masters for
High Schools.

Amendment of
Section 9 of
Law 16, 1877.

Amended by
Law 2, 1889.

Commencement
of Law.

2. The Eighth Section of the aforesaid Law, No. 16 of 1877, shall be, and the same is hereby repealed, without prejudice, however, to anything heretofore done hereunder ; and in lieu thereof it is enacted that it shall be lawful for the Council of Education to appoint, subject to the approval of the Governor, a Head Master for each of the Government High Schools in the Towns of Pietermaritzburg and Durban, and such number of Assistant Masters as shall be determined by the said Council of Education ; and the salary of each Head Master and Assistant Master so appointed shall consist of such sums as may be recommended for the purpose by the said Council, and sanctioned by the Legislature.

3. From and after the taking effect of this Law, Section 9 of the above-mentioned Law No. 16, 1877, shall be deemed and taken to be amended to read as follows :—"The instruction to be given in the Higher Public Schools aforesaid shall include English Composition, Grammar, and Literature ; Arithmetic ; Latin ; Greek ; Mathematics ; and Physical Science."

4. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be read and construed together with Law No. 16, 1877, as one Law.

Given at Government House, Natal, this 8th day of
November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 37, 1884.

(Signed) HENRY BULWER.

Amended by
Law 4, 1897.

*For amending the Laws relating to the Practice and Sale of
Medicine in the Colony of Natal.*

Preamble.

WHEREAS an Ordinance was passed by the Legislative Council of the District of Natal, on the 1st day of September, 1856, to make provision for the admission of duly qualified persons to practise in the said District as Physicians, Surgeons, Surgeon Accoucheurs, Apothecaries, and Chemists and Druggists, and for the better regulating the sale of Drugs and Medicines, and whereas it is expedient to amend the same :

Medicine.

Be it therefore enacted by the Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Ordinance dated 1st day of September, 1856, entitled an " Ordinance to make provision for the admission of duly qualified persons to practise in this District as Physicians, Surgeons, Surgeon Accoucheurs, Apothecaries, and Chemists and Druggists, and for the better regulating of the sale of Drugs and Medicines," shall be and is hereby repealed.

Repeal of Ordinance 9 of 1856.

2. Nothing herein shall affect any act or thing lawfully done, or any right or privilege acquired, or any license granted under the said Ordinance before the coming into operation of this Law, and all offences committed, and all penalties incurred, and proceedings commenced against or under the said Ordinance before the coming into operation of this Law, shall be prosecuted, enforced, and continued respectively as if this Law had not been passed.

This Law not to affect license granted or proceedings taken under Ordinance 9 of 1856.

3. The Governor in Council may appoint a Committee consisting of not less than five members, being duly qualified Medical Practitioners, under the style of the Natal Medical Board, and may, from time to time, remove the said members, or any of them, and may upon the removal, death, or resignation of any member of the Board, appoint such other duly qualified Medical Practitioner as the Governor in Council shall think fit : Provided that the members of the Natal Medical Committee, at the time of the coming into operation of this Law, may be and may continue to be members of the Medical Board under this Law until lawfully removed.

Governor may appoint Committee of Medical Practitioners to be styled " Natal Medical Board."

Members of Medical Committee may continue to be Members of Medical Board.

4. The Governor may nominate the President of the said Board. Three members of the said Board shall form a quorum, and in the absence of the President from any meeting of the Board, one of the members present may be elected chairman of such meeting,

Governor may nominate President. Quorum.

5. Every subject of Her Majesty possessed of any one or more of the qualifications described in the first Schedule hereto, who shall prove on personal attendance, to the satisfaction of the Medical Board, that the testimonial, diploma, license, or certificate, testifying to such qualification, was duly obtained by him after due examination from some one of the said universities, shall be, and be deemed to be, and shall be entitled to practise as a legally qualified Medical Practitioner, and shall receive from the Medical Board a license to practise. Upon every such license there shall be paid a fee of Three Guineas.

Qualifications entitling applicant to obtain license to practise from Medical Board.

Fee for license.

6. Any person registered under the Imperial Acts, regulating the qualifications of Practitioners in Medicine and Surgery may present to the Natal Medical Board a certificate of such registry, authenticated by a declaration made before a Resident Magistrate, which declaration shall state that the declarant is the person mentioned in the certificate, and the said Board are authorised, upon satisfactory proof to them, to issue a license to such person to practise Medicine or Surgery as a duly qualified practitioner. Upon every such license there shall be paid a fee of One Guinea.

How person registered under Imperial Acts as Practitioner in Medicine and Surgery may obtain a license from Medical Board.

Fee for such license.

Medicine.

Any Medical Officer of Her Majesty's Land or Sea Forces on full pay in the Colony considered Medical Practitioner under this Law.

Colonial or Foreign University diplomas, &c.

Penalty for fraudulently obtaining license under this Law.

Medical Practitioners in the Government service to be duly qualified under this Law.

Qualifications necessary to practise as Apothecary, Chemist, or Druggist.

Fee for license.

Proviso.

Person having passed minor or major examination of Pharmaceutical Society of Great Britain or Ireland entitled to license.

Qualified Medical Practitioner may compound his own prescriptions.

What Medical Practitioners may keep shops for sale of medicines and drugs.

7. Any duly appointed Medical Officer of Her Majesty's Land or Sea Forces on full pay in this Colony shall, so long as he is on duty on full pay in this Colony, be considered a duly qualified Medical Practitioner under this Law.

8. Any person who shall now possess or hereafter become possessed of a testimonial, diploma, license, or certificate, of any Colonial or Foreign University testifying to his qualification to practise as a Physician, Surgeon, or Accoucheur, who shall personally appear before and prove to the satisfaction of the said Medical Board that the said testimonial, license, diploma, or certificate, was obtained by him after due examination from the said Colonial or Foreign University, and that such testimonial, license, or certificate, would enable him to practise in the colony or country where it was obtained, may receive a license as a duly qualified Medical Practitioner.

9. If any person fraudulently or by false representation obtain a license as a legally qualified Medical Practitioner under this Law, or shall forge, alter, or counterfeit any such license he shall be deemed guilty of the crime of fraud, and being thereof duly convicted shall be liable to be imprisoned, with or without hard labour, for a period not exceeding one year.

10. No person shall hold any appointment as a Physician, Surgeon, Licentiate in Medicine or Surgery, or Accoucheur, or other Medical Practitioner in the Government Service, whether as District Surgeon or in any Hospital (Coolie or otherwise), or under any Law requiring the employment of a medical man for Coolie, quarantine, or other purposes, unless he shall be a duly qualified practitioner under this Law.

11. Any person who has served as an apprentice for a period of not less than four years to any regularly licensed Apothecary, Chemist, or Druggist, in this Colony or elsewhere, and is of the full age of twenty-one years, may obtain a license from the Governor to practise as an Apothecary, Chemist, or Druggist, on passing an examination before the said Medical Board to the satisfaction of the examining members; and upon such license there shall be payable a fee of One Guinea: Provided always, that no such license shall be granted until the examination has been duly held, and the result of the same duly reported to the Governor. Any person who shall present proof that he has passed the minor or major examination of the Pharmaceutical Society of Great Britain or the examination of the Irish Pharmaceutical Society, shall be entitled to obtain a license to practise as a Chemist and Druggist in this Colony.

12. Every duly qualified Medical Practitioner may compound his own prescriptions, and any Licensed Medical Practitioner now established in a village in which, or within five miles of which, no licensed apothecary, chemist, or druggist, is now established, may, besides compounding his own prescriptions, keep an open shop, if he should think fit, and sell drugs and medicines by retail.

Medicine.

13. A list of all licensed Physicians, Surgeons, Accoucheurs, Apothecaries, Chemists and Druggists, with their places of residence, if known, shall be published annually, in the month of January, in the *Government Gazette*, and a copy of such list shall be placed and retained in the office of each Resident Magistrate throughout the Colony, where it shall be open to the inspection of any person demanding to see the same. And any person without a license who shall practise as a Physician, Surgeon, or Accoucheur, or act as an Apothecary, Chemist, or Druggist, or prepare or compound drugs or medicines, whether from medical prescription or otherwise, except for private or domestic use, or sell drugs or medicines by retail except as in this Law provided, shall be deemed to have contravened this Law, and upon conviction of any such contravention shall be liable to a penalty not exceeding £50: Provided always, that any Storekeeper shall be at liberty to sell patent medicines, and if no qualified Apothecary, Chemist, or Druggist, be carrying on business within a distance of four miles, any Storekeeper shall be at liberty to supply drugs or medicines in packages properly labelled and prepared by any Chemist and Druggist residing in the Colony.

List of Medical Practitioners, Apothecaries, &c., to be published in *Government Gazette* annually in January, and such list to be kept at Magistrates for inspection.

Penalty for contravening this Law.

Proviso as to sale of patent medicines.

14. No person who is not duly licensed, or exempted from such license as aforesaid, shall be entitled to recover, in any Court in this Colony, any fee or other payment for medical or surgical service rendered after the passing of this Law, either to the Government or any private individual.

No unlicensed person can recover payment for services.

15. Every person authorised to deal in drugs and medicines under this Law, shall keep all poisons mentioned in Part 1 of the Second Schedule to this Law, in vessels or packages conspicuously labelled "Poison;" and on selling any poison mentioned in Part 2 of the Second Schedule, shall properly and conspicuously label or write the word "Poison" on every package or vessel containing such poison, together with the name of the article and the name and address of the seller. And any person so authorised, neglecting so to do shall be liable, upon conviction, to a penalty not exceeding £5, or not less than £1.

Provisions as to sale of poisons.

Penalty for contravention.

16. Every person authorised to deal in drugs and medicines under this Law, or selling any poison, mentioned in Part 1 of the Second Schedule to this Law, shall, in addition to labelling every package or vessel containing such poison, with the name of the article, the word "Poison," and the name and address of the seller, enter in a book, to be specially used for that purpose, the name and address of the purchaser, the description and quantity of poison sold and the purposes for which it is stated to be required: Provided that no person so authorised shall sell or dispose of any poison mentioned in Part 1 of the Second Schedule of this Law, to any person not personally known to him, unless the purchaser is introduced by some resident in the town or village where such poison is sold, who is personally known to the seller and who shall also sign the book above mentioned. And every

Particulars regarding sales of poisons to be entered in a book.

Proviso.

Medicine.

Penalty for neglecting to comply with regulations.

Regulations not to apply to sale to Medical Practitioner, or to poison in medical prescription.

Proviso.

This Law not to apply to Veterinary Surgeons.

Executors of deceased chemist may carry on business if conducted by registered chemist and druggist.

Apothecaries to prepare medicines according to British Pharmacopoeia.

Fees under this Law to be paid into Colonial Treasury.

Contraventions of this Law, how prosecuted.

Penalties recoverable before Court of Resident Magistrate.

Governor may award penalty to informer.

Commencement of Law.

person so authorised neglecting or omitting to comply with the above regulations shall be liable, on conviction, to a fine not exceeding £5, and not less than £1.

17. The above regulations shall not apply to the sale of poisons to any registered Medical Practitioner known to be such by the seller ; nor to any poison forming part of a Medical prescription, provided the said prescription is copied into a book kept for that purpose, and the package or vessel containing the medicine is duly labelled, as directed by the prescribing Medical Practitioner.

18. Nothing in this Law contained shall extend to or interfere with the business of any member of the Royal College of Veterinary Surgeons of Great Britain with regard to the making and sale of medicines for animals.

19. Upon the decease of any Chemist and Druggist actually in business at the time of his death, it shall be lawful for any executor, administrator, or trustee, of the estate of such Chemist and Druggist to continue such business if, and so long only as, such business shall be *bona fide* conducted by a registered Chemist and Druggist of this Colony.

20. All Apothecaries, Chemists, and Druggists shall prepare their medicines according to the British Pharmacopoeia, unless otherwise directed by the prescribing Medical Practitioner.

21. All Fees payable under this Law shall be paid into the Colonial Treasury, and form part of the Colonial revenue.

22. All contraventions of the provisions of this Law shall be prosecuted by or on behalf of the Attorney-General, at the instance of any person complaining of any infringement thereof.

23. All penalties imposed by this Law shall be recoverable before the Resident Magistrate of the County or Division within which the offence has been committed, and shall be paid into the Colonial Treasury : Provided that the Governor may in any case award the whole or any portion of any penalty imposed and recovered to any person upon whose information the offender was convicted.

24. This Law shall commence and have effect from and after the promulgation thereof in the *Natal Government Gazette*.

SCHEDULE I.

[Repealed. Substituted Schedule enacted by Law 4, 1887.]

SCHEDULE II.

PART 1.

Arsenic and its preparations.
Prussic Acid and preparations thereof.

Schedule of Poisons.

Medicine.—Stamps.

Cyanide of Potassium and all Metallic Cyanides, and preparations of Cyanides of Potassium and of all Metallic Cyanides.
 Strychnine and all poisonous Vegetable Alkaloids and their Salts ; also, all preparations of Strychnine and Atropine.
 Aconite and its preparations.
 Emetic Tartar.
 Corrosive Sublimate.
 Cantharides.
 Savin and its Oil.
 Ergot of Rye and its preparations.

PART 2.

Oxalic Acid.
 Chloral Hydrate and its preparations.
 Chloroform.
 Belladonna and its preparations.
 Essential Oil of Almonds, unless deprived of its Prussic Acid.
 Opium and all preparations of Opium or of Poppies.
 Preparations of Corrosive Sublimate.
 Preparations of Morphine.
 Red Oxide of Mercury.
 Ammoniated Mercury.
 Every compound containing any poison when prepared and sold for the destruction of vermin. The tincture and all vesicating liquid preparations of cantharides.
 Nux Vomica and its preparations.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
 Colonial Secretary.

LAW No. 38, 1884.

(Signed) HENRY BULWER.

To repeal Ordinance No. 8, 1850, and Ordinance No. 3, 1853, and to levy certain Stamp Duties and Fees in lieu of the Duties, Licenses, and Fees imposed thereby.

*Amended by
 Laws 30, 1885 :
 51, 1887 ; 18,
 1888 ; 24, 1888.*

WHEREAS it is expedient to repeal the Ordinance No. 3 of 1850 and Ordinance No. 8, 1853, and to alter and increase the License Duties and to levy other License Duties, and also to alter and increase the Stamp Duties and Fees, and to levy other Stamp Duties and Fees, in lieu of the License Duties and Stamp Duties and Fees in such Ordinances mentioned or referred to : *Preamble.*

Stamps.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Ordinance No. 3, 1880, and Ordinance No. 3, 1883, repealed.

Repeal not to interfere with power conferred on Municipal Corporations or Local Boards under said Ordinances.

Licenses and stamps mentioned in schedules to be taken out.

Penalties on non-compliance.

Governor may appoint officers to sell and deface stamps, &c.

1. The Ordinance No. 3, 1850, entitled an " Ordinance for repealing the Ordinance No. 10, 1847, and for levying duties upon Licenses and certain Stamp Duties," and Ordinance No. 3, 1853, shall be, and the same are hereby repealed : Provided that the repeal of the said Ordinance, No. 3, 1850, and the said Ordinance No. 3, 1853, hereby effected shall not be deemed to interfere in any way with the power conferred on Municipal Corporations under Law 19 of 1872, or on Local Boards under the Local Management of Townships Law No. 11, 1881, in regard to the issue of and receiving the charges for licenses granted by such Corporations or Local Boards under Ordinance 3, 1850, and Ordinance No. 3, 1853, which said Ordinances shall remain in force so far as regards the charges payable to such Corporations or Local Boards for licenses thereunder by virtue of the said Laws, No. 19 of 1872 and No. 11 of 1881.

2. From and after the date upon which this law shall take effect, the charges in the several schedules hereunto annexed, affixed to the several matters or things therein specified, shall be paid by the persons exercising the same, or performing such matter or things, or keeping a carriage, or carriages, and other vehicles chargeable with duty under this Law, and all instruments, documents, and papers mentioned in the several schedules hereunto annexed, save as therein specially exempted, shall be chargeable with the amount of stamp duty therein specified as appertaining to each of them respectively, and such payment shall be made by affixing to the license, instrument, document, or paper, stamps of the value or amount set down in figures in the schedules opposite or against such license, instrument, document, or paper.

3. If any person who should, in conformity with this law, take out any certain license to enable him to carry on any business, shall be proved to have carried on, or exercised any such business, or to have performed, or possessed any matter or thing in respect of which a license was required, without having previously taken out the particular license in that behalf required, such person shall, for every such offence, forfeit any sum not less than twice the amount, and not exceeding four times the amount, of the charge or duty payable for or in respect of the taking out the particular license which such person should have taken out or possessed, and in default of payment thereof shall be liable to imprisonment, with or without hard labour, for any period not exceeding three months.

4. It shall and may be lawful for the Governor, by notice in the *Government Gazette*, from time to time, to appoint one or more persons in each county or division of the Colony to sell and to deface stamps under this Law. Every officer of the Government who is by this law authorised to deface stamps, shall write across such stamps his name and the date, and shall specify, as briefly as possible, the nature or purpose of the document to which such stamp is affixed, or, where an office stamp is used, shall obliterate it by means of said

Stamps.

office stamp : and every adhesive stamp which shall, under or by virtue of the schedules of this law, be required or made use of shall be defaced by the person who is by the said schedules directed to deface the same, to the end that it may not be used for any other purpose, on pain, in case of failure so to do, that such person shall be liable to pay the sum of twenty shillings to any person who will sue for the same.

5. All and singular the several explanations, conditions, directions, and provisions, inserted in words in the said schedules, shall be of the same force and effect as if the same had been contained in some one or more of the enacting clauses of this law.

Schedules to be held embodied in this Law.

6. It shall and may be lawful for the Governor of the Colony, from time to time, to nominate and appoint such person or so many persons, as he may deem necessary, and shall select, to discharge, in obedience to such rules and orders as he or they may from time to time receive from the said Governor, the duty of providing proper and sufficient stamps or dies for impressing and denoting the several and respective amounts or values of the stamps by the said schedules required, and of stamping or causing to be stamped every instrument hereby required to be stamped which shall be tendered to him or them for the purpose of being so stamped, and of furnishing and supplying, or causing to be furnished and supplied, to the inhabitants of this colony, at as many convenient places as it may from time to time be found practicable to authorise and establish throughout the colony, such necessary stamps as shall be required and demanded, and generally to undertake and have the care and management of the proper making and distributing of stamps in and for the colony.

Governor may appoint officers for stamping and distributing stamps.

7. All such stamps and dies as aforesaid shall be kept in some iron safe, or other secure place, to which there shall be affixed two locks not capable of being opened by the same key, and the keys of the said locks shall be deposited, one with the Colonial Treasurer, and one with the Auditor.

Stamps and dies to be kept securely.

8. As often as any of the said stamps or dies shall be taken out for use, they shall be delivered by the officers aforesaid, in person, to such public officers, not less than two, as shall be appointed by the Governor to superintend the stamping of all stamps then necessary to be stamped.

How stamps and dies to be taken out for use.

9. The public officers so appointed to superintend the stamping of such stamps as aforesaid shall, in person, superintend such stamping, and shall take an accurate account of all the stamps then stamped, and shall enter, in a book to be kept for the purpose, the numbers and denominations, together with any other particulars which they shall think fit, of all stamps then stamped, and shall sign such entry in attestation of its correctness, and shall, in person, re-deliver the stamps or dies to officers in the seventh section of this law mentioned, in person, who shall deposit the same in the safe or other place from which they were taken to be used, which safe or other place shall be thereupon locked with the locks aforesaid affixed

Accounts of stamps to be kept.

Stamps.

thereto, and the keys kept by the respective officers aforesaid, who shall be responsible for their safe custody.

Duties of
Distributor of
Stamps.

10. Every entry made in the book aforesaid shall, besides being signed by the public officers appointed to superintend the stamping, be signed also by the Distributor of Stamps, or other officer appointed by the Governor to take charge of stamps, as an acknowledgment of the receipt by him of the stamps enumerated in such entry; and such book shall then be delivered to the Auditor, to be preserved in his office until again required.

Governor to
cause account
of stamps to be
examined.

11. The Governor shall, from time to time, and at uncertain times, cause the stock of stamps in the custody of the person or persons nominated and appointed by the Governor, as in the sixth section mentioned, and of all other distributors of stamps throughout the Colony, to be examined by competent persons appointed by the said Governor for the purpose, and such persons, acting upon such instructions as they may receive from the said Governor calculated to secure the accuracy of such examination, shall examine the stamps in the hands of such distributors, and report the result of such examination to the Colonial Secretary, who shall preserve, in his office, all such reports.

Two or more
different stamps
may be used for
one stamp.

12. It shall and may be lawful, when and as often as occasion shall render it necessary so to do, to use two or more stamps or dies for denoting or expressing the amount or value of any one stamp by the schedules hereunto annexed required, and all instruments stamped with any two or more such stamps or dies, which shall together denote or express an amount or values not less than the amount or value of any single stamp so required, shall be held and taken to be as good, valid, and effectual as if the said single stamp had been alone impressed.

Stamps of higher
value may be
used in place of
the stamp
appointed.

13. Every instrument which shall be stamped with a stamp, or with stamps denoting or expressing a greater value or amount than that of the stamp appointed for such instrument in and by the said schedules, shall be deemed and taken to be as good, valid, and effectual as if the particular stamp so appointed had been used.

Unstamped
documents not
to be received in
evidence.

14. No instrument which is hereby or by the said schedules directed or required to be stamped shall (except as hereinafter excepted) be given in evidence in any of the Courts of this Colony (except in the course of any criminal proceedings touching the theft or forgery of any such instrument, or any proceeding for the recovery of penalties alleged to have been incurred by reason that such instrument is unstamped), nor shall any such instrument be received or admitted in any such Court as useful or available in law, unless the same shall be duly stamped: Provided, that any such instrument not duly stamped shall be admitted and received in evidence in case the party tendering the same shall pay to such officer as the Court shall direct, for and on behalf of the public revenue, such sum as the said Court shall fix by way of penalty, not exceeding Twenty Pounds sterling.

Exception.

Stamps.

15. No person holding any office or employment under Government, whose duty it shall be, as the holder of such office, or employment, to issue, or receive, or register, or authenticate, by signature, or otherwise, any of the instruments in the said schedules mentioned, and thereby required to be stamped with some certain stamp, shall issue, or receive, or register, or in any way authenticate any such instrument, unless the same shall first be duly stamped; and all persons by law required to lodge with or deliver to the Master or Registrar of the Supreme Court, or any Circuit Court, or any other officer, any instrument requiring a certain stamp, who shall deliver or tender the said instrument not duly stamped, shall be deemed and taken to be in like plight and condition as if such instrument had never been delivered or tendered at all.

Government officials not to receive unstamped documents.

16. In case any instrument, by the said schedules required to be written upon stamped paper, shall be written or engrossed, or executed upon unstamped paper, and shall be tendered at the office of the Distributor of Stamps, within twenty-one days next after the date of its execution, with an adhesive stamp denoting the stamp duty chargeable upon such instrument affixed thereon, and in case any such instrument shall be tendered, as aforesaid, after the expiration of twenty-one days, but before the expiration of forty-two days next after the date of its execution, with an adhesive stamp denoting double the stamp duty chargeable upon such instrument affixed thereon, and in case any such instrument shall be tendered as aforesaid after the expiration of forty-two days, but before the expiration of sixty-two days, next after the date of its execution, with an adhesive stamp denoting treble the stamp duty chargeable upon such instrument, affixed thereon, then the said Distributor of Stamps shall deface such adhesive stamp, by writing his name upon or across such stamp, together with the date upon which he shall write the same, and such instrument shall, from and after such defacing of such adhesive stamp, be deemed and taken to be and to have been duly stamped, and to be of the same force and effect in all respects as if it had, when originally executed, been written or engrossed upon paper duly stamped: Provided always, that every such instrument, if only prepared for execution, and not yet executed, shall, if tendered to such Distributor, with an adhesive stamp denoting the ordinary or single stamp duty, be deemed to be duly stamped, and such stamp shall be defaced as aforesaid: And provided, also, that every instrument shall be deemed and taken to be executed within the meaning of this section, when it shall have received the signature of any one person, being a party proper to execute the same, although there may be other persons named as parties thereto, who shall not have signed the same.

Stamping of unstamped documents.

Vide Law 20, 1885, Sec. 1.

When documents deemed to be executed.

17. The officer or officers charged by the last preceding section with the duty of defacing the adhesive stamps in the said section mentioned, shall not in any case deface any adhesive stamp upon any instrument, which instrument shall not be tendered as aforesaid within the space aforesaid of sixty-two days next after the date of its execution, without the special direction of the Governor in that behalf

When unstamped deed is tendered after sixty-two days, stamp not to be defaced without Governor's sanction.
Vide Law 20, 1885.

Stamps.

first had and obtained ; and the Governor may sanction the affixing and defacing of such adhesive stamps on payment, by the person presenting such instrument, of an additional sum not exceeding £5, or without payment of any additional sum, as to him may seem just.

Penalties on
notaries passing
unstamped
documents.

18. For and in respect of every instrument requiring a stamp, prepared or attested by, or executed in the presence of, any notary public practising in this Colony, which shall be found at any time after the expiration of sixty-two days from the date of execution (in manner and form as such execution is in the last preceding section mentioned and described) without bearing or having the stamp by the Schedule aforesaid appointed and required, the notary public preparing or attesting the execution of such instrument shall forfeit any sum not exceeding Ten Pounds, unless he shall prove to the satisfaction of the Court in which any such penalty shall be sought to be recovered, that such instrument was really and *bona fide* never perfected, or operative, or in any manner, as such instrument, attempted to be put in use.

Proof of date of
execution of
deed may be
required.

*Vide Law 20,
1885.*

Penalty for
affixing false
date.

19. The officer or officers charged by the 16th section of this Law with the duty of defacing adhesive stamps upon the several instruments in the said Schedules mentioned, shall and may require sufficient proof of the date at which any instrument which shall, after being written or engrossed and executed, be tendered in order to have such adhesive stamp cancelled, was really executed, and any notary public or other person who shall knowingly insert in or affix to any such instrument a false date, shall forfeit the sum of Fifty Pounds, or, in default of payment, shall suffer imprisonment for any period not exceeding six months.

Governor may
authorise
adhesive stamps
to be attached
to unstamped
documents.

20. It shall and may be lawful for the Governor aforesaid, at any time and at all times, when he shall see cause to do so, to direct that any instrument which shall have been executed without being duly stamped, shall be so stamped by means of adhesive stamps so defaced as aforesaid, by the said Distributor of Stamps, of such value as the Governor shall be pleased to name, not being less than five times the value of the particular stamp originally required.

Stamps on
promissory
notes.

21. Every promissory note or bill of exchange made within this Colony, whether payable in this Colony or elsewhere, shall be deemed and taken to be duly stamped, not only when it shall have been written upon paper stamped with a stamp of the amount or value appointed in and by the schedule annexed to this Law for such bill or note, but also when it shall have affixed thereon an adhesive stamp, denoting the stamp duty by the said schedule charged on such bill or note.

Promissory
notes, &c., not
to be paid or
endorsed with-
out stamp.

22. No person shall present for payment or shall pay, or shall endorse, transfer, or in any manner negotiate within this Colony, any promissory note or bill of exchange not written upon stamped paper, or whereon there shall not be such an adhesive stamp affixed as in the last preceding section mentioned, and no person shall give a receipt for money paid when the amount is £2 or over, or draw a cheque for any amount whereon there shall not be a stamp of the

Stamps.

value of one penny as appointed in and by the Schedule to this Law for such receipt or cheque, on pain of being liable to pay the sum of twenty shillings to any person who shall sue him for the same.

23. It shall be the duty of every person to whom any promissory note or bill of exchange, not written upon paper duly stamped, shall be endorsed, transferred, or negotiated, to see that such note or bill has affixed thereon an adhesive stamp of the proper value, defaced in the manner hereinafter mentioned, to the end that it may not be used again for any other purpose, and in case such adhesive stamp shall not have been already so defaced, to deface the same then and there, or, at latest, before again endorsing away, transferring, or negotiating such note or bill, or receiving payment of the same. Any person contravening this section shall be liable to pay the sum of Twenty Shillings to any person who will sue him for the same: Provided that every such adhesive stamp shall be defaced by placing in figures in ink upon such stamps the amount of such bill or note, or by writing the name or the initials of the name of the person defacing such instrument, together with the date of such defacing.

24. Nothing in this Law contained shall be construed so as to require that any document mentioned in any of the Schedules annexed to this Law which shall have been made, drawn, signed, or dated prior to the passing of this Law, and shall have upon it the stamp required by Law at the time of the execution of such document; and any promissory note or bill of exchange which shall have been endorsed or negotiated by the payee, or person in whose favour it was originally made, at any time before the taking effect of this Law, should be stamped, and every such note or bill, if then already endorsed, transferred, or negotiated, may be again endorsed, transferred, or negotiated, and may be paid by any person liable thereon, without being stamped.

25. If any question shall arise in this Colony regarding what instrument shall, for the purposes of this Law and of the Schedules annexed thereto, be deemed to be respectively promissory notes and bills of exchange, or regarding the nature of such alterations made therein, after the same shall have been once perfected, as shall, under this law, invalidate the same, or regarding what instruments shall be deemed to be policies of insurance, or regarding the alteration which may be made in any policy of insurance without requiring a new stamp, or regarding the circumstances under which any stamp shall be deemed to be a spoiled stamp, and as such proper to be exchanged, then such question shall, unless there be something in this Law repugnant thereto, be decided in like manner, and by the same rules, as if such question had arisen in England, upon or in regard to the stamp laws for the time being in force in that country.

26. All fines and penalties imposed under and by virtue of this Law shall, except where it is otherwise specially provided by this Law or schedules thereto, be sued for on behalf of Her Majesty, for the use of the Government of the Colony, in any competent

Holder of promissory notes must see to stamps.

Documents drawn before the taking effect of this Law not to come under operation hereof.

Notes endorsed before date of this Law not to require stamps.

Questions as to what instruments require stamps as bills and policies of insurance, and as to alterations therein, to be decided according to English Stamp Laws.

Appropriation of penalties.

Stamps.

Court: Provided, that all such fines and penalties may be prosecuted for in the Courts of Resident Magistrates, and shall be levied and recovered according to the provisions of the Ordinance No. 16, 1846, entitled, "Ordinance for creating Resident Magistrates within the District of Natal:" Provided, that wherever the amount of any fine or penalty adjudged to be paid by any such Magistrate shall exceed £10, it shall be competent to such Magistrate to award an alternative of imprisonment, with or without hard labour, for any period not exceeding six months, in default of payment of such fine or penalty.

Licenses under
Ordinances 3,
1850, and 3, 1853,
to subsist.

27. Notwithstanding the repeal as aforesaid of the said Ordinance No. 3, 1850, and Ordinance No. 3, 1853, every License which, before the commencement of this Law, shall have been granted to any person for the purpose of authorising such person to practise any profession, or exercise any trade, business, occupation, or calling, or to profess or perform any matter or thing in regard to which any License may have been issued under and by virtue of the said Ordinances hereinbefore repealed, and which license shall be unexpired and in force at the commencement of this Law, shall remain and continue in force until the expiration thereof by effluxion of time, and shall, for and during the time or term of such licenses then yet to come and unexpired, be of the same force and effect as a License for the same purpose granted under and by virtue of this Law: Provided always that nothing herein contained shall be construed so as to exempt any person heretofore licensed or authorised to carry on any profession or calling without the payment of an annual license or duty, from the duty imposed by this Law.

Proviso.

Penalties for
offences against
this Law.

28. If any person shall, after the taking effect of this Law, be convicted of any of the offences hereinafter in this section specified, he shall be liable to be imprisoned and kept at hard labour for any period not exceeding seven years, that is to say:—

- (a) If he shall, with intent to defraud the public revenue of this Colony, forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp or die which, in pursuance of this Law, or any other Law in force for the time being, shall have been provided by the person or persons charged by the Governor with the duty of providing stamps or dies, for impressing and denoting any stamp duty imposed or required by this Law, or by any other Law in force for the time being.
- (b) If he shall, with such intent as aforesaid, forge or counterfeit, or cause or procure to be forged or counterfeited, upon paper, the impression, or any resemblance of the impression, or of any part of the impression, of any such stamp or die as aforesaid.
- (c) If he shall, with such intent as aforesaid, utter or sell, or offer for sale, any paper having thereon the impression of any such forged or counterfeited stamp or die, knowing the same to be forged or counterfeited.

Stamps.

(d) If he shall, with such intent as aforesaid, privately or secretly, and for his own gain or purposes, make use of any such stamp or die as aforesaid.

29. If any person shall, with intent to defraud the public revenue of this Colony, put to use, or attempt to put to use, as a stamp, or shall sell, or offer for sale, or otherwise utter or attempt to utter, as a stamp, any stamp other than a postage stamp, whether an adhesive stamp or not, imposed or required by this or any other Law, which stamp he shall know to have been already used as a stamp, he shall, for every such offence, be liable to a fine not exceeding Ten Pounds, or to imprisonment, with or without hard labour, for any period not exceeding three months, or to both such fine and such imprisonment: Provided, that nothing in this section contained shall be construed so as to prevent such person from being prosecuted for the crime of falsity, or any other crime of the like nature, instead of being prosecuted for the offence mentioned in this section: Provided also, that no person prosecuted for the offence mentioned in this section shall be again prosecuted for or in respect of the same act, or for any other crime as aforesaid, and that no person prosecuted for any other crime as aforesaid shall be again prosecuted for or in respect of the same act for the offence mentioned in this section.

Penalty for using wrong stamps.

Prosecutions for falsity competent.

No double prosecution for same offence.

30. It shall and may be lawful to and for the Governor of the Colony, from time to time, to nominate and appoint one or more person or persons, who shall have the power to examine the protocols of all Notaries Public practising as such in this Colony, and to fix the time and place for the production and examination thereof, and to call for and examine any licenses granted under this or any other law, with a view to ascertain whether the provisions of this Law have been complied with or fulfilled. And it shall be the duty of such person or persons so appointed, to report to the Colonial Secretary, for the information of the Governor, any and all contraventions of this law, which any examination may disclose or appear to disclose. And any Notary Public or other person or persons who shall refuse, or neglect, or delay, to allow such person or persons, so appointed as aforesaid, full and free access to any documents and books in his or their possession or custody, or to exhibit his or their license, after being called upon so to do, shall be liable to a penalty not exceeding Ten Pounds sterling for each and every such offence, or to be imprisoned for any period not exceeding three months, nor less than one month, or to both such fine and imprisonment.

Governor may appoint persons to examine Notaries' protocols and licenses.

Reports to be made to Governor.

Penalty for non-production of protocol, &c.

31. When and as often as any stamps shall have been spoiled or rendered unserviceable for the instruments for which they were respectively designed, and shall be tendered at the office of the Distributor of Stamps in exchange for other stamps, the said Distributor of Stamps shall receive such spoiled or unserviceable stamps in exchange, provided sufficient proof shall appear to be given (and, when required, by solemn declaration) that no such stamps so tendered for exchange is or has been on or upon any

Spoiled stamps may be exchanged.

Stamps.

instrument requiring a stamp, which has at any time been put to use, or attempted so to be.

As to decision of questions regarding necessity of stamping.

Vide Law 30, 1885, Sec. 3.

32. Whenever it may be doubtful if any document is liable to stamp duty, or increased stamp duty, under this Law, the question may be referred to the Distributor of Stamps, who shall thereupon determine the point; and if any difficulty shall arise in determining the same, that officer may, should it be deemed requisite, submit the same to any one or more of the Judges of the Supreme Court, and obtain his or their directions or instructions thereon, without fee or reward, and thereupon it shall be lawful for the said officer, if so directed by any such Judge or Judges (if such matter shall have been so submitted to such Judge or Judges), to assess the stamp duty to which such document shall be liable, or such deficiency as shall be payable thereon, or in respect thereof, or the additional duty, according to the provisions of Section 16 hereof, if such deed shall have been already executed, and shall have been so presented before the expiration of sixty-two days next after the date of its execution; and if not so presented within sixty-two days after the date of its execution, the Distributor of Stamps shall proceed as directed by the Governor, in accordance with the provisions of Section 17 hereof.

Documents not provided for to be written on stamped paper.

Vide Law 30, 1885, Sec. 4.

33. Whenever in the Law, or in the Schedules thereto attached, in respect of any document upon which a stamp is hereby imposed or declared payable, provision is not made as to whether such document is to be written upon stamped paper or covered by stamped paper, or an adhesive stamp, it shall be requisite for such document, in respect to which no such provision has been made, to be written upon stamped paper.

Interpretation clause.

34. Whenever in this Law, or the Schedules thereto, the word "sheet" occurs, it shall be taken to mean one hundred words. The term "paper" shall be held to include parchment.

Short title.

35. This Law may be cited for all purposes as the "License and Stamp Law, 1885."

Commencement of Law.

36. This Law shall commence and take effect on and after the 1st day of January, 1885.

SCHEDULE A.

Stamps on Annual Licenses.

Amended by Laws 30, 1885; 18, 1889; and 33, 1890.

			£	s.	d.
Upon every certificate to practise as an advocate, attorney, or notary public...	...	...	5	0	0
As a conveyancer	...	...	5	0	0
As an interpreter	...	...	2	0	0
As a land surveyor	...	...	5	0	0
As a medical practitioner	...	...	5	0	0

Stamps.

	£	s.	d.	
Apothecaries, chemists, and druggists, in Pietermaritzburg and Durban	5	0	0	
Ditto, elsewhere... ..	2	10	0	
Agent practising as such before the Court of the Resident Magistrate at Pietermaritzburg and Durban ...	5	0	0	
Agents practising as such before Courts of all other Resident Magistrates	5	0	0	
Civil Engineers or Architects	5	0	0	
Retail Dealers (each retail dealer who shall be able to prove that his gross receipts do not exceed £500 per annum, shall not be liable to pay more than £2)	5	0	0	
Wholesale, or Wholesale and Retail, dealers (exclusive of Wine and Spirit Dealers)	6	0	0	
Wholesale Wine and Spirit Dealers for one year ...	20	0	0	
Ditto, for six months	11	0	0	
Ditto, for three months	6	0	0	
Retail Wine and Spirit Dealers, in the Towns of Pietermaritzburg and Durban, or at any place within three miles of the same, for one year ...	10	0	0	
Ditto, Ditto, for six months	7	10	0	Amended by Law 30, 1884
Ditto, Ditto, for three months	5	0	0	
Retail Wine and Spirit Dealers, not within the aforesaid Towns, or at any place within three miles thereof, for one year	8	0	0	
Ditto, Ditto, for six months... ..	5	0	0	
Ditto, Ditto, for three months	3	0	0	
Butchers	5	0	0	
Bakers	3	0	0	
Stationers, &c.	5	0	0	
Millers at Pietermaritzburg and Durban	5	0	0	
Ditto, elsewhere... ..	2	0	0	
Auctioneers in Pietermaritzburg and Durban ...	15	0	0	
Ditto, elsewhere... ..	5	0	0	
For every Daily Newspaper published in the Colony in conformity with Law No. 9, 1858	10	0	0	
For all other publications under the same Law ...	5	0	0	
For each public billiard table... ..	7	10	0	
License to sell firearms	3	0	0	
License to keep a carriage (for each carriage) ...	1	0	0	
To keep a warehouse for bonded goods	10	0	0	
Insurance Companies, annual license	25	0	0	
Joint-stock Companies [Repealed and enactment substituted therefor by Law 20, 1885.]				
Hawker or Itinerant Trader of Imported Goods, for each person so employed	2	0	0	
Broker or Agent	5	0	0	

[Vide Law 38, 1888, Sec. 1.]

Stamps.

Proviso hereto
by Law 20, 1885.

Vide Law 23,
1888.

1. The undermentioned licenses shall be respectively issued by such person or persons, and in such manner and form as shall, from time to time, be appointed in that behalf by the Governor of the Colony: Provided always that the several Stamp Duties under this schedule shall be payable by persons resident or carrying on trade or business in Durban or Pietermaritzburg, or in any of the Townships, in addition to the several duties or licenses payable under Law 19, 1872, or the Law 11, 1881, or any rules or by-laws made under the said Laws respectively.

2. Such licenses shall either be written upon paper duly stamped, or shall have adhesive stamps of the proper value affixed thereto before being issued.

3. If adhesive stamps be used, they must be defaced by writing thereon the name of the officer issuing the license, and the date on which he shall write the same.

4. And such of the above Licenses as are annual under this Law, no matter at what time they are taken out, shall expire on the 31st day of December next ensuing, and all Licenses which can be taken out for a shorter period shall expire on the date set forth in the License, and shall in no case continue beyond the 31st day of December next ensuing.

5. The term "joint stock company" shall, for the purpose of the above license, embrace every company having a capital stock divided into shares, and carrying on its business, or any part thereof, within this Colony.

6. The license issued to any such company, at any seat or place of business thereof in this Colony, shall extend to the business of such company at all its places of business in the Colony.

7. The directors for the time being within this Colony, of any such company as aforesaid, shall be personally liable, *singuli in solidum*, for the amount payable for the license. If there be no directors within this Colony, but only a manager, then the manager shall be liable.

8. When any one agent for a company shall have taken out a license, such license shall extend to the business done for the same company by any other agent in the Colony.

Vide Law 20,
1885.

9. A person holding a certificate to practise as an advocate, attorney, notary public, conveyancer, or agent, shall not be liable to any further stamp duty in the event of his taking out a certificate to practise any other of the said professions during the same year; and in like manner a person holding a certificate as land surveyor, civil engineer, architect, or conveyancer, shall not be required to pay any further stamp duty in the event of his taking out a certificate to practise any other of such professions. Any person or firm holding a license for any of the following trades, that is to say, wholesale wine and spirit dealer, wholesale dealer, grocer, stationer, apothecary, chemist and druggist, auctioneer, broker, agent, or retail dealer, may follow, without paying duty under this Schedule, any other of such trades, on the same premises, the duty on a license for which hereunder is not higher than that of the license he so holds. The

Stamps.

license to any member of a firm in respect of any of the professions or trades mentioned in this Schedule may operate as a like license to any other person for the time being a member of the said firm, and stated so to be in the said license.

10. The license as an apothecary, or chemist, or druggist, shall cover all dealings as an apothecary and chemist and druggist, as well as all dealings covered by the retail shop license.

11. Nothing in this Law, or the Schedule thereto contained, shall require any savings bank society, building society, or benefit society, to take out any license.

12. Every person shall be deemed to be a conveyancer who prepares deeds of transfer, deeds of hypothecation, or mortgage bonds, and no deed shall be registered unless signed by the person preparing the same.

13. On every sale by public auction there shall be payable by the auctioneer a duty of five shillings for every such sale. Such sale shall mean and include a sale held on each and every day at an auction mart, at every house of business, every private residence, or a sale on or in any public market of all articles exposed for sale thereat by any such auctioneer: Provided always that all sales of any of the products of this Colony, except wool, hair, ostrich feathers, and of sugar, or of unmanufactured articles from beyond the boundaries, except wool, hair, ostrich feathers, and sugar, on any market place made by any Marketmaster under the provisions of Law 19, 1872, or Law 11, 1881, shall be exempt from auction duty. Every auctioneer shall, on or before the fifteenth day of every month, send in a return to the Resident Magistrate of all sales by public auction made by him during the previous month, and shall then and there pay over to the Resident Magistrate all sums due for sales during the previous month. Every auctioneer making a false return shall be deemed guilty of a contravention of this Law, and upon conviction shall be liable for every such offence to a penalty not exceeding £15.

14. The license on wagons and carts shall be levied upon each and every wagon and cart employed in travelling over the main roads of the Colony and carrying or conveying all descriptions of goods, wares, and other merchandise, except wagons and carts conveying exclusively agricultural, farming, garden, or other colonial produce, or wagons employed exclusively in carrying goods, food, and other articles required for domestic consumption or use of the owner of the wagon or cart, and not for the purposes of trade. Every wagon or cart licensed under this Law shall have affixed on either side of such wagon or cart in a conspicuous part the name of the owner, his residence, and the number of his license, painted in letters at least one inch in length.

*Vide Law 22,
1888, Sec. 2,*

15. [Repealed and provision substituted by Law 20, 1885, Sec. b, Sub-sec. f.]

16. An architect shall mean any person who has duly fulfilled the articles of his indenture to a qualified architect, or who prepares designs and specifications for buildings, or who executes or supervises the execution of the same. Any person who is employed to

Stamps.

perform work usually done by an architect, as herein defined, shall be required to take out an Architect's License.

17. It shall be lawful for the Governor, from time to time, to nominate and appoint such person, or so many persons as he shall deem necessary, and shall select, to inspect, in obedience to such rules and orders as he or they may from time to time receive from the Governor, the license tickets issued to persons under this Law; and if any person who shall have taken out a license or licenses under this Law shall not produce and deliver such license or licenses to be examined and read by any such person, duly appointed as aforesaid, within a reasonable time after such person or officer shall request the production of the same, he shall, upon conviction, be liable to a penalty not exceeding £5.

SCHEDULE B.

Stamps on Special Licenses and other privileges not annual.

	£	s.	d.
License to be united in marriage without publication of banns ...	...	3	10 0
Admission as notary public ...	...	10	0 0
Admission as sworn land surveyor ...	...	10	0 0
Public officers, on letters of appointment, per cent. ...	...	1	0 0

*Vide Law 30,
1885, Sec. 4.*

1. The above licenses shall either be written upon paper duly stamped, or shall have adhesive stamps or the proper value affixed to them before being issued.

SCHEDULE C.

Transfers passed in the Office of the Registrar of Deeds.

From	£	s.	to	£	s.	£	s.	d.
	1	0	to	7	10	...	...	0 1 0
"	7	10	"	18	15	...	...	0 1 6
"	18	15	"	37	10	...	...	0 3 0
"	37	10	"	75	0	...	...	0 6 0
"	75	0	"	187	10	...	...	0 12 0
"	187	10	"	300	0	...	...	1 4 0
"	300	0	"	375	0	...	...	1 10 0
"	375	0	"	500	0	...	...	2 5 0
"	500	0	"	750	0	...	...	3 0 0
"	750	0	"	1,250	0	...	...	4 10 0
"	1,250	0	"	1,875	0	...	...	6 0 0
"	1,875	0	"	2,500	0	...	...	7 10 0
And for every additional £100 or fractional part thereof	0	5						0

Stamps.

	£	s.	d.
Duplicate original deeds of transfer filed in office not chargeable.			
Certified copies chargeable with half the amount on the original deed.			
On each declaration of seller and purchaser, or cancellation of any sale or purchase ...	...	0	1 0

Title Deeds issued by Government from the Surveyor-General's Office.

When the land conveyed does not exceed 50 acres ...	0	1	6
Exceeding 50 and not exceeding 100 acres ...	0	3	0
" 100 " " 500 " ...	0	10	6
" 500 " " 1,000 " ...	0	15	0
Over 1,000 acres... 	1	5	0

1. The documents mentioned in this schedule may be either written upon paper duly stamped or have adhesive stamps of the proper value affixed to them. *Vide Law 20, 1886, Sec. 4.*

2. If adhesive stamps are used, they must be cancelled by the Surveyor-General in respect of title deeds, and by the Registrar of Deeds in respect of other documents mentioned in the schedule, and other collectors of Transfer Duty as regards declarations of seller and purchaser.

SCHEDULE D.

Mortgage Bonds passed in the office of the Registrar of Deeds.

From	£	s.	to	£	s.	to	£	s.	d.
	1	0	to	7	10	...	...	0	1 0
"	7	10	"	18	15	...	...	0	3 0
"	18	15	"	75	0	...	...	0	9 0
"	75	0	"	187	10	...	...	0	18 0
"	187	10	"	375	0	...	...	1	16 0
"	375	0	"	750	0	...	...	3	0 0
"	750	0	"	1,000	0	...	...	4	0 0

Over £1,000, at the rate of two shillings and sixpence for each £100 or fractional part of £100 for the excess over £1,000.

Duplicate original deeds of mortgage bonds filed in office not chargeable.

Stamps.

			£	s.	d.
Certified copies chargeable with half the amount on original deed.					
For each cession of a mortgage bond	...	...	0	2	0
„ copy of a cession...	...	...	0	1	0
Registration of leases :					
For each lease registered...	...	...	0	3	0
„ copy thereof	...	...	0	1	6
For each cession of a lease, the same rate as in Schedule E for bonds passed before Notaries.					

*Vide Law 30,
1884, Sec. 4.*

The directions No. 1, in Schedule C, shall apply to this Schedule. When adhesive stamps are used they must be cancelled by the Registrar of Deeds.

SCHEDULE E.

Bonds and other Deeds passed before Notaries, not elsewhere provided for.

			£	s.	d.
Not exceeding £25	...	...	0	1	6
Above £25 and not exceeding £50	...	...	0	3	0
„ 50	100	...	0	6	0
„ 100	200	...	0	9	0
„ 200	300	...	0	12	0
„ 300	400	...	0	15	0
„ 400	500	...	1	1	0
„ 500	600	...	1	4	0
„ 600	700	...	1	10	0
„ 700	800	...	1	17	6
„ 800	900	...	2	5	0
„ 900	1,000	...	2	10	0
For every additional £100 or fractional part of £100...			0	2	6
Where no amount is stated	...	...	1	0	0

1. All duplicate originals and copies to be chargeable with half stamp duty.

2. The documents mentioned in this Schedule may be either written upon paper duly stamped or have adhesive stamps of the proper value affixed to them.

3. When adhesive stamps are used they must be cancelled by the Notary.

*Vide Law 30,
1884, Sec. 4.*

Stamps.

SCHEDULE F.

Documents Connected with the Master of the Supreme Court.

1. Deeds for securing the portions of children by former marriages :—

				£	s.	d.
From	£1 to £50	...	...	0	0	6
"	50 „ 100	...	...	0	1	0
"	100 „ 200	...	...	0	2	0
"	200 „ 300	...	...	0	3	0
"	300 „ 400	...	...	0	4	0
"	400 „ 500	...	...	0	5	0

Above £500, at the rate of One Shilling
for every £100 or fractional part of
£100.

2. Inventories of the estates of deceased persons, and all other inventories, exhibited in any of the public offices ... 0 3 0
3. All copies of or extracts from documents, first sheet ... 0 0 9
Each subsequent sheet ... 0 0 6
4. All certificates ... 0 3 0
5. Surety bonds in intestate estates, and on all other bonds before the Master ... 0 3 0
6. All accounts for the administration of estates by executors, tutors, and guardians, or others, appointed either by order of the Supreme or any Circuit Court, or by last will (except in insolvent estates) :—

For every £100, or fraction of £100 available for distribution ... 0 3 0

1. The direction No. 1, in Schedule C, shall apply to this Schedule. *Vide Law 30, 1884, Sec. 4.*

2. When adhesive stamps are used, they must be cancelled by the said Master.

SCHEDULE G.

Pre-contracts of Marriage and Post-nuptial Contracts.

		£	s.	d.
For every ante-nuptial or post-nuptial contract	...	1	1	0
For every such contract, in addition, when the amount specified in the settlement does not exceed £100	...	0	10	0
Exceeds £100 and does not exceed £200	...	1	1	0
Exceeds £200 „ £300	...	1	10	0
And every additional £100, or for a fractional part thereof	... ..	0	10	0

Stamps.

1. All duplicate originals and copies to be chargeable with half stamp duty.

*Vide Law 30,
1885, Sec. 4.*

2. The above-mentioned documents may be either written on stamped paper or have adhesive stamps affixed to them.

SCHEDULE H.

Powers of Attorney.

	£	s.	d.
General power to persons out of the Colony ...	0	15	0
Special	0	4	6
General power to persons residing in the Colony ...	0	6	0
Special	0	1	0

1. This schedule shall apply to all powers of attorney, whether notarial or otherwise, including letters of attorney, and all similar written authorities.

*Vide Law 30,
1885, Sec. 4.*

2. The documents mentioned or referred to in this schedule may be either written upon stamped paper, or covered with an adhesive stamp.

SCHEDULE I.

Customs Department.

	£	s.	d.
On each original prime entry ...	0	0	6
" " home consumption entry ...	0	0	6
" " warehouse entry ...	0	0	6
" bill of lading or duplicate thereof ...	0	0	6
" ship's clearance ...	0	10	0
For every bond, import or export, relating to bonded goods, when the amount for which such bond is made does not exceed £100 ...	0	1	6
For every additional £100, or fraction thereof ...	0	0	6

SCHEDULE K.

Miscellaneous Documents.

	£	s.	d.
1. Protests of bills of exchange, promissory notes and deeds of insinuation and denunciation ...	0	3	0
2. Sea Protests... ..	0	9	0
3. Charter Parties :			
For a ship not exceeding 200 tons of burthen ...	0	15	0
" over 200 " ...	1	10	0

Stamps.

4. Bottomry Bonds :					£	s.	d.
From	£1	to	£37 10s.	...	0	1	6
"	37 10s.	"	75	...	0	3	0
"	75	"	150	...	0	6	0
"	150	"	400	...	0	12	0
"	400	"	750	...	1	4	0
"	750	"	1,500	...	3	0	0
"	1,500 and upwards		...	...	4	10	0

5. All contracts, agreements, and other deeds, reduced to writing, and not elsewhere specially provided for :

*Amended by
Law 20 1885,
Secs. 5 & 9.*

[Further provision by Law 20, 1885, Sec. 9.]

6. Arbitrations and awards :

Every deed of submission to arbitrators	...	0	5	0
Each award or umpirage	...	0	10	0

7. Appraisements :

On each appraisal produced in any court or public office, not exceeding £100...	...	0	3	0
Exceeding £100, and not exceeding £200	...	0	6	0
Over £200	...	0	10	0

8. Every deed assigning property in trust for creditors or deed of composition ...

1 0 0

Every deed assigning property in trust for creditors must, as to some part of it, be written upon, and not merely covered by, stamped paper, or otherwise it must have an adhesive stamp affixed and defaced.

*Vide Law 20,
1885, Sec. 4.*

Every promissory note, bill of exchange, or first of a set of bills of exchange, drawn in the Colony, not exceeding £100 ...

0 0 6

For every additional £100, or fraction thereof ...

0 0 6

Each receipt for money paid when the amount is £2 or over ...

0 0 1

Each cheque drawn ...

0 0 1

1. Every deed of submission and every award must, as to some part of it, be written upon and not merely covered by stamped paper, or otherwise it must have an adhesive stamp affixed and defaced.

*Vide Law 20,
1885, Sec. 4.*

2. Where the sum or matter in dispute shall be under ten pounds sterling in value, the submission and the award shall both be exempt from stamp duty.

3. [Repealed and substituted provision enacted by Law 51, 1887, Sec. 2.]

4. If any bank shall pay or otherwise honour any cheque thereon which shall not be written upon stamped paper, or have an adhesive stamp affixed and defaced, the cashier of such bank, whether the person who paid or otherwise honoured the cheque or not, shall be liable to pay the sum of twenty shillings, to be recovered by civil action in any competent Court by any person who shall sue him for the same.

Stamps.

5. No "Good-for," "I O U," or other acknowledgment of debt not being a promissory note, shall require to be stamped, as long as it shall be retained by the creditor to whom it was first delivered, and it may be paid by the debtor to such creditor without being stamped. But if such creditor shall cede or transfer the same, he shall, before doing so, affix thereto an adhesive stamp of the value which would be necessary in case the same were a promissory note, and the cessionary or transferee shall deface the said stamp in case the same be not already cancelled.

6. No person who shall have granted any such instrument as in the preceding paragraph described, shall pay or satisfy the same to any person other than the person to whom it was first given, unless it shall be duly stamped, on pain of being liable to pay the sum of twenty shillings to any person who shall sue for the same in any competent Court.

7. Every adhesive stamp mentioned in this Schedule shall be defaced by placing in figures, in ink, upon such stamp, the amount mentioned in any cheque, "good-for," "I O U," or other instrument, or by writing the name, or the initials of the name of the person defacing, together with the date of defacing.

8. Every promise in writing by one person to pay money to another person named in such writing, whether at some time specified in such writing or on demand, and whether payable to the order of the payee or not, shall, if endorsed, ceded, or transferred, be deemed to be a promissory note for the purposes of this Law, so as to require to be stamped as such.

9. Penny postage stamps may be used for the purposes of this Law for cheques and receipts.

*Vide Law 20,
1885, Sec. 4.*

SCHEDULE L.

Exemptions.

1. All cheques and bills of exchange drawn by or upon the Colonial Treasurer and sub-accountants.

2. All receipts granted by any public officer in his official capacity.

3. All receipts and certificates required to be given to or by the Government for the payment or receipt of public money.

4. All contracts, agreements, and bonds entered into by Government.

5. Bonds required of Government officers for the proper discharge of their duties.

6. Affidavits in proof of debts in insolvent estates,

*Vide Law 20,
1885, Secs. 5
and 11.*

Local Boards.

7. Receipts given for money deposited in any bank, or with any banker, not being a fixed deposit at interest, to be accounted for and expressed to be received of the person to whom the same is to be accounted for.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 39, 1884.

(Signed) HENRY BULWER.

To amend Law No. 11, 1881, and to confer increased powers on Town Boards established under that Law.

WHEREAS it is expedient to confer upon the Local Boards established under Law No. 11 of 1881 extended powers, and for this purpose to amend certain sections of the said Law, and to incorporate herewith certain provisions of other Laws and Ordinances, which are not now applicable to Townships under the above recited Law :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. No person shall be eligible for election as a member of any Board established or to be established hereafter under the provisions of Law No. 11 of 1881, unless such person has been previously nominated by at least two electors, and whose nomination shall not have been sent to the Town Board or the Resident Magistrate's Office as the case may be, for three clear days before the holding of any meeting for the election of a member or members.

Eligibility for election as member of a Local Board.

2. On the receipt of such nomination by the Town Board or Resident Magistrate, the same shall be immediately posted up on the Town Notice Board, or outside the door of the Resident Magistrate's Office.

Nomination, how to be posted up.

3. Section 12 of Law 11, 1881, is hereby amended by the altering of the number of members that shall constitute a Board from five to seven, and this addition shall take place at the next annual election after the passing of this Law.

Number of Members increased from five to seven.

4. Section 20, of Law 11, 1881, is hereby amended by the altering of the number of members who shall form a quorum from three to four.

Quorum.

5. Sub-section *v* of Section 26 of Law 11, 1881, shall be and the same is hereby repealed,

Sub-section *v* of Section 26, Law 11, 1881, repealed.

Local Boards.

Board to fix and issue license to certain trades and callings.

Proviso.

Section 27 of Law 11, 1881, repealed.
Clause substituted therefor.

Proviso.

Local Board may make regulation respecting Liquor Licenses.

Proviso as to rates for licenses.

Extent of license, and particulars necessary in application.

Name of licensee &c., to be painted on outside of house of business.

Vagrant Law extended to Townships.

All fines for contraventions of Laws mentioned in Schedule C to be paid to Township Funds.

6. The Local Board shall have power to fix and issue the Licenses to the following trades and callings carried on within the Township, and to receive and pay into the Township Funds the sums accruing from such Licenses, viz : Butchers, bakers, wholesale dealers, retail dealers, auctioneers, hawkers, boarding and eating-house keepers, and public billiard tables : Provided that no License shall exceed the amounts set forth in the Schedule (marked A) hereunto annexed, and provided further that no License shall be required to be taken out by persons hawking milk, fish, poultry, agricultural, farm or garden produce.

7. The Section 27 of Law 11, 1881, shall be and is hereby repealed, together with the Schedule mentioned therein, and the following substituted therefor :—The Local Board shall have power and authority to fix and issue the Licenses required to be granted under Ordinances 9, 1847, and 3, 1853, and Law 23, 1863, and those under this Law, for carrying on the trades or businesses in said Ordinances or Laws referred to, and the amounts received for all such Licenses issued under this Law shall be paid into the Township Funds : Provided that garrison canteens shall be, and they are hereby, exempted from license duty. And the Local Board may, from time to time, make regulations with respect to such Licenses, and defining the nature thereof, and fixing the hours of business thereunder ; and altering or reducing the prices of such Licenses anything contained in the said Ordinances or Laws, or any of them to the contrary notwithstanding : Provided the rates shall not exceed those mentioned in the Schedule annexed (marked B).

8. No Licenses issued under this Law or under the Law 11, 1881, shall be taken to cover more than one house, firm, or person. And in all applications for Licenses the name in full of the person applying for such License, and the description and situation of the house to be licensed shall be fully set forth, and every person or firm obtaining a License to carry on any of the trades or callings (with the exception of hawkers) mentioned in this Law shall paint or affix, and shall keep painted or affixed, in legible characters, in the English language, on the outside of the house in which the business is carried on, the name, in full, of the person or firm ; adding thereto the words necessary to express the purpose or trade or business for which such License has been granted.

9. The sections of the Vagrant Law No. 15, 1869, applicable to Boroughs under the Municipal Corporations Law, No. 19, 1872, shall also be deemed to extend to Townships established under Law No. 11, 1881 ; and all fines, fees, and penalties for contraventions of the provisions of any of the Ordinances or Laws mentioned in the Schedule (marked C) annexed to this Law, or any Law or Laws passed hereafter amending the same, committed within the limits of Townships under Law No. 11, of 1881, shall be collected and applied to such Township Funds, anything to the contrary in these several Ordinances and Laws notwithstanding.

Local Boards.

10. The Local Boards established under Law 11, 1881, are hereby empowered to collect and apply the tax charged and made payable under the Dog Tax Law, No. 27, 1875, within any Township in the same manner, *mutatis mutandis*, as is provided in the said Law regarding Boroughs.

Local Board to collect Dog Tax Licenses within Township.

11. The Local Board shall have the power to assize and mark weights and measures, to call upon all persons within the Township to produce the weights and measures in use by them in order that the same may be assized and marked; and to charge in respect of every weight or measure assized or marked as aforesaid a sum not exceeding sixpence for each weight or measure, together with the cost of repair thereof should such repair be needful; and also to frame by-laws and regulations for the inspection of any beam, scale, weight, steelyard, weighing machine, or other balance, and all weights and measures within the Township, and to seize and detain any such balance or weight or measure as aforesaid found to be deficient or unlawful or unjust, and to fix a penalty not exceeding Five Pounds for any contravention of such by-laws and regulations; the imperial weights, scales, and measures of Great Britain to be the standard weights, scales, and measures to be used in every Township.

Board to assize weights and measures, and charge for therefor.

Empowered to frame regulations for inspection, &c., of weights and measures; and penalty for contravention thereof.

12. Section 40 of Law 11, 1881, is hereby repealed, and the following substituted therefor:—The Valuation Roll made by the Town Board shall be affixed to the Notice Board for one month, at the expiration of which period it shall come into, and have, full force and effect, subject to any amendment or alteration that may have been made therein by any competent Court. And a notice shall be inserted twice in the *Government Gazette*, setting forth that the annual valuation has been made and published, and calling for any objections against same, to be sent in to the Town Board on or before a certain date to be fixed in said notice, which date shall not be fixed for less than twenty-one days from the first publication of the same.

Repeal of Section 40 of Law 11, 1881, and clause substituted therefor.

Publication of Valuation Roll, and when to come into force.

Objection thereto.

13. Section 41 of Law 11, 1881, is hereby repealed, and the following substituted therefor:—At any time within thirty days after the first publication, as aforesaid, of the valuation of the immovable property within any Township, it shall be lawful for the owner or occupier of any property so valued, who shall consider himself aggrieved by any such assessment or valuation, to appeal against the same to the Resident Magistrate having jurisdiction, who is hereby authorised to hear and determine such appeal: Provided that three clear days' notice in writing of every such appeal shall be given by the appellant to the Local Board specifying the time of the hearing thereof.

Section 41 of Law 11, 1881, repealed, and clause substituted therefor.

Owner or occupier aggrieved by assessment of property may appeal.

Proviso.

14. If after due notice being given for the payment of any rates due upon any immovable property, the person liable for the same shall refuse or neglect to pay the amount or amounts due, the Chairman of the Local Board shall address a requisition, containing the name or names of such defaulter or defaulters and the amounts due, to the Resident Magistrate having jurisdiction, who

Mode of proceeding for recovery of rates.

Local Boards.

is hereby authorised and empowered to issue writs of execution for the recovery of the sums due, together with all costs payable for such process : Provided that the Local Boards shall be responsible for all costs connected with the issuing and executing of the said writs, should these be illegally or wrongfully applied for or put in force.

Proviso.

Board may raise loan for public works on security of its immovable estate, rent, rates, &c.

15. The Local Board may, with the consent of the Governor, raise by way of loan any sum or sums of money on the security of the immovable estate, rent, rates, and other income of the said Board, for the purpose of commencing, carrying on, and completing any Public Work within such Township : Provided that the total annual charge for interest on any loan or loans alive at any one time shall not exceed one-fourth of the total yearly income of the said Local Board : And provided further that in applying for the consent of the Governor to such loan, the nature and probable cost of the Public Works, for which any such moneys are intended to be raised, shall be clearly specified.

Proviso.

Registrar of Deeds to furnish Board quarterly with list of transfers of land in Township.

16. The Registrar of Deeds shall, on the First day of June, the First day of September, the First day of December, and the First day of March, in every year, transmit to the Clerk to the Board of every Township, or to any officer in that behalf appointed by the Board, a list in writing setting forth the name of every person making transfer, the name of the transferee, and the amount of the purchase price in respect of all land transferred during the quarter so expired, and situated and being within such Township : Provided always that for every such transfer specified in such list the Board shall pay to the Registrar a fee of One Shilling.

Fee payable therefor.

Chairman of Board to be J.P., during term of office.

17. The Chairman of the Board shall be a Justice of the Peace within the limits of the Township during the time he shall hold his office of Chairman of the Board.

Board may appoint one of its officers to prosecute in Court of Resident Magistrate.

18. The Local Boards are hereby authorised to appoint from time to time one of their officers, to prosecute at his own instance, without obtaining permission from the Attorney-General, in the Court of the Resident Magistrate in the Township having jurisdiction over all contraventions of any of the Laws mentioned in Schedule C to this Law.

By-laws and regulations.

19. Each Local Board may carry out any of the powers hereby conferred by by-laws or regulations passed by the Board and confirmed by the Governor in Council in the same manner as is provided under Law, 11, 1881, for the passing and confirmation of by-laws under that Law.

Nothing in this Law to affect prior proceedings, &c., under Law 11, 1881.

20. Nothing herein contained, or in any regulations to be made hereunder, shall affect any act or thing lawfully done, or any right or privilege acquired, or any license granted under the said Law 11, 1881, before the coming into operation of this Law, and all offences committed, and all penalties incurred and proceedings commenced against or under the said Law, before the coming into operation of this Law, shall be prosecuted, enforced, and continued respectively as if this Law had not been passed.

Local Boards.

21. The Governor is hereby empowered to issue title deeds to the purchasers of any lands situated in the Township of Newcastle which have been sold by, or at the instance of, the Surveyor-General of the Colony since the 5th day of May, 1882, and which have not been included in the deed of grant of land by the Governor to the Local Board of such Township, and the title given under the deeds issued by the Governor, in virtue of this section, shall be deemed and taken to be as valid as if they had been issued by the Local Board of Newcastle, anything to the contrary in Law 11, 1881, notwithstanding.

Governor empowered to issue title to certain lands in Newcastle sold since 5th May, 1882.

22. For the purposes of this Law, and of Law 11, 1881, the word "Township" shall be held to mean and include Town Lands and such other properties as are now, or hereafter may be, invested in and under the control of Local Boards.

"Township," interpretation of

23. This Law, and Law No. 11, 1881, as amended hereby, shall be read and construed together as one Law.

This Law and Law 11, 1881, to be construed together.

24. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

SCHEDULE A.

Schedule referred to in Sec. 6.

(Mentioned in Section 6 of this Law.)

LICENSES.

				Per Annum.		
				£	s.	d.
Butchers	...	...	...	3	0	0
Bakers, including Confectioners	...	...	...	3	0	0
Wholesale Dealers	...	...	...	5	0	0
Retail Dealers	...	...	...	2	10	0
Wholesale and Retail combined	...	...	...	6	0	0
Auctioneers	...	...	...	5	0	0
Hawkers	...	...	8s. per month, or	1	10	0
Boarding and Eating-houses (without Wine or Spirit License)	...	...	...	3	0	0
Public Billiard Tables, each	...	...	...	7	10	0

SCHEDULE B.

Schedule referred to in Sec. 7.

(Mentioned in Section 7 of this Law.)

LICENSES.

				£	s.	d.
Retail Wine and Spirit...	20	0	0			
"	12	0	0			
"	8	0	0			
Wholesale only	20	0	0			
"	12	0	0			
"	8	0	0			

for one year.
for half a year.
for one quarter of a year.
for one year.
for half a year.
for one quarter of a year.

Local Boards.

	£	s.	d.	
Wholesale and Retail as above combined ...	30	0	0	for one year.
Wholesale and Retail as above combined ...	18	0	0	for half a year.
Wholesale and Retail as above combined ...	13	10	0	for one quarter of a year.
Kafir Beer or 'Utywala'	6	0	0	for one year.
" "	4	0	0	for half a year.
" "	2	10	0	for one quarter of a year.
Each " transfer of License to another person ...	1	0	0	
Do. transfer place ...	1	0	0	

Schedule referred
to in Sec. 9.

SCHEDULE C.

(Mentioned in Section 9 of this Law.)

Ordinance 9, 1847, "To regulate the Sale of Spirituous Liquors, Wine, Beer, &c."

Ordinance 3, 1853, "For amending Ordinance 9, 1847, Regulating the Sale of Spirituous Liquors."

Ordinance 2, 1855, "To prevent unlicensed Squatting by Natives."

Law 23, 1863, "For amending Ordinance 9, 1847, regulating Sale of Wine, Spirituous and Fermented Liquors."

Law 8, 1864, "To prevent the spread of Glanders."

Law 8, 1865, "To prevent the running at large of Stallions."

Law 21, 1865, "To prevent indiscriminate Burning of Grass."

Law 10, 1866, "To prevent the indiscriminate Destruction of Game."

Law 15, 1869, "Vagrant Law."

Law 9, 1871, "For prevention of Lung-sickness."

Law 21, 1872, "For prevention of Lung-sickness."

Law 25, 1874, "To provide for Impounding of Cattle."

Law 31, 1874, "To prevent Cruelty to Animals."

Law 38, 1874, "To prevent the spread of *Xanthium Spinorum*."

Law 27, 1875, "Dog Tax."

Law 22, 1878, "To prohibit Sale of Intoxicating Liquors to Natives."

Law 24, 1878, "To provide for better observance of the Lord's Day."

Law 25, 1878, "To discourage Gambling."

Given at Government House, Natal, this 8th day of
November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary,

LAW No. 40, 1884.

To regulate renunciations in Bonds.

Preamble.

Proviso.

When female is debtor.

**Interpretation of
word "debtor."**

Commencement of Law.

Beneficia

Digitized by Google

Renunciations in Bonds.

2. Beneficium divisionis.

(The benefit of claiming that the debt shall be paid equally by each surety.—Institutes 3, 21, 4.)

3. Beneficium novæ constitutionis de duobus vel pluribus reis debendi.

(The benefit by which two or more principal debtors can claim release on paying their respective shares.—Novella 99.)

4. Causa debiti.

(The cause or origin of the debt.—Digest 4, 2, 6, and 12, 7.)

5. Non numeratæ pecunia.

(That the money had not been all paid over to the debtor.—Code 4, 80.)

6. Revision of account.

7. Errors of calculation. (Code 2, 5.)

SCHEDULE B.

Beneficia.

1. Beneficium Senatus Consulti Velleiani.

(Benefit whereby women are protected as to becoming sureties.)

2. Beneficium Authenticæ Si qua Mulier.

(Benefit whereby married women are protected as to becoming sureties for their husbands.)

SCHEDULE C.

Statement by female renouncing the Beneficium Senatus Consulti Velleiani

Statement by a female, to be used instead of the renunciation of the *Beneficium* No. 1 in Schedule B.

I (name and residence), who purpose to bind myself in a Bond for the sum of (insert both letters and figures of the principal sum and rate of interest if any) as or in the nature of a surety for (name and residence of principal debtor), am aware that by protection of the Law I am entitled notwithstanding my having purported to bind myself as above to refuse to pay anything in respect of the said Bond unless I renounce with knowledge of such legal protection any intention of availing myself of the same, and I hereby with full knowledge as aforesaid, and of my own absolute free will and consent do waive, renounce, and reject the benefit of such legal protection.

Dated this

day of

(Signature.)

I (name and office) hereby certify that the above-named affixed her signature above written in my presence, and that before doing so she appeared to me fully to understand the meaning of the statement so signed by her, and to execute it freely of her own will and consent.

Given under my hand, this

day of

A B (who must be the Master of the Supreme Court, or some Resident Magistrate, or Notary Public, or Justice of the Peace in the Colony.)

Renunciations in Bonds.—Native Squatters.

SCHEDULE D.

Statement by a female, to be used instead of the renunciation of the *Beneficium* No. 2 in Schedule B.

Statement by female renouncing the *Beneficium* *Authenticum* et *qui mulier*.

I (name and residence) who purpose to bind myself in a Bond for (insert as in Schedule C) in the interests of my husband (name and residence) am aware (continue as in Schedule C, and with a similar certificate).

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

(Signed) HENRY BULWER.

LAW No. 41, 1884.

To provide for the Collection of Rent from Native Squatters or Occupiers of Crown Lands.

WHEREAS a large number of Natives from adjoining Countries, as well as Natives belonging to this Colony, have been allowed to squat upon or occupy the Crown Lands of the Colony and to cultivate the said Lands free from any limit, also to live upon and graze an unlimited number of cattle, horses, sheep, and goats, free from any charge as rent for the free use and enjoyment of the said Lands :

Preamble.

And whereas such squatting or occupation is contrary to Law and the best interests of the Colony as well as of the Natives themselves, and it is only manifestly unjust that the Crown Lands should be exhausted by squatters or occupiers well able to pay a fair and reasonable rent :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Governor shall, immediately after the coming into force of this Law, direct that each Resident Magistrate shall give notice to all Native Squatters on, or in the occupation of Crown Lands within their respective Magisterial Divisions, that a Rent of One Pound per Hut per annum will be charged for the use and occupation of such lands ; and that such rent shall be due and payable on the First Day of July, 1886, and on the same day in each and every year thereafter, and shall be paid to such officer or officers as the Governor may nominate and appoint, and at such place as the

Notice to Native Squatters on Crown Lands of rent payable, how to be given.

Native Squatters.

Proviso as to
amount of rent.

Governor may direct: Provided always, that the Governor shall have the power either to increase or reduce such rent in all cases where it shall appear that One Pound per Hut is either too little or too much to meet the equities of the case.

List of Native
Squatters to be
furnished to
Resident Magis-
trate.

2. As soon as may be after the notice required in the preceding Section shall have been given, each Resident Magistrate shall direct that the Fieldcornet, or some other officer duly appointed by the Governor, shall furnish him with a list of all Native Squatters or Occupiers of Crown Lands in his Ward, stating the number of huts belonging to each native occupying the said land.

Squatting on
Crown Lands
prohibited with-
out permission
of the Governor.

3. After the coming into effect of this Law, no person shall be allowed to come on to and squat on or occupy any Crown Lands without permission of the Governor, and any person so trespassing shall be liable to a fine of not less than One Pound, or, in default of payment, to imprisonment, with or without hard labour, for any period not exceeding Three Months.

Native Squatters
may be removed
on six months'
notice.

4. Any Native Squatter or Occupier may be removed from any Crown Lands by giving such Squatter or Occupier six months' notice in writing, such Notice to be given by the Resident Magistrate in the month of January in any year after the passing of this Law.

On expiration of
notice, Squatter
may be sum-
marily removed.

5. In all cases in which any Resident Magistrate may have given such notice as required in the preceding Section of this Law, and such notice shall be disregarded by any Native Squatter or Occupier, no action for ejection shall be necessary, but it shall be lawful for the Magistrate to cause the Native Squatter or Occupier to be summarily removed.

Governor may
make regu-
lations.

6. The Governor in Council may make rules and regulations for the purposes of this Law, for the occupation of Crown Lands and for the collection of rents, and from time to time alter and amend the same, and may fix the remuneration to be paid to each Fieldcornet or other officer for his services rendered under this Law.

Ordinance 2,
1855, repealed
where in conflict
herewith.

7. Ordinance No. 2, 1855, in so far as it may be in conflict with this Law, shall be and the same is hereby repealed.

Short title.

8. This Law may be cited for all purposes as the Squatters' Rent Law of 1884.

Commencement
of Law.

9. This Law shall not come into operation unless and until the Officer administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify by the same or any other Proclamation.

Given at Government House, Natal, this 8th day of
November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Durban Water Works.

LAW No. 42, 1884.

(Signed) HENRY BULWER.

To enable the Town Council of the Borough of Durban to supply the Borough of Durban with Water from the Umbilo River, and to levy a Water Rate, and to prevent the pollution of Water."

WHEREAS it is expedient to enable the Town Council of the Borough of Durban to supply the Borough of Durban with Water from the Umbilo River, and to levy a Water Rate, and to prevent the pollution of the water of the said River at or above or after being led from the point of diversion, and to exercise all powers necessary for the purposes aforesaid :

Preamble.

Be it therefore enacted by the Governor of Natal, by and with the consent of the Legislative Council thereof, as follows :

1. This Law may be cited as the "Durban Corporation Water-works Law of 1884."

Short title.

2. The Lands Clauses Consolidation Law, 1872 (Law 16 of 1872), and all the clauses and provisions thereof (save in so far as they shall be expressly varied or excepted by this Law) shall be incorporated with this Law.

Lands Clauses Consolidation Law, 1872, incorporated with this Law.

3. The Town Council of the Borough of Durban may purchase or take the lands required for the purposes of the works and undertakings authorised by this Law.

Durban Town Council may purchase or take lands for purposes of this Law.

4. The Town Council of the Borough of Durban are authorised to construct all works and do all things necessary for damming up the Umbilo River, immediately above the Umbilo falls, and for making reservoirs and filter-beds and service tanks, and for laying water-pipes from the said falls through the farms "Sarnia," "Roosfontein," and "Cato Manor," and through the Borough of Durban, and for leading water through such pipes, and for storing part of such water in or near to the Town Lands of the Borough of Durban, and for distributing such water through such portions of the Borough as the Town Council may from time to time determine to bring within the water system, and to do and perform all such further and other acts, deeds, matters, and things, as shall be necessary to carry out the objects of this Law.

Town Council authorised to construct water-works.

5. The route of the water-pipes shall follow as near as may be the line laid down in a map or chart filed with the Clerk of the Legislative Council and in the Town Office in Durban.

Route of water-pipes.

6. If the taking, impounding, diversion, appropriation or conveyance of water under the authority of this Law shall deprive any person of any water, or right of water which he may at the time of such taking, impounding, diversion, appropriation, or conveyance of water possess, or be entitled to possess, and shall thereby cause damage to such person, or to his property, such person shall be

Persons entitled to compensation for diversion of water.

Durban Water Works.

entitled to recompense or compensation, to be settled, in case of difference, as if the diversion of water constituted a damage to the land within the meaning of the 65th Section of the Lands Clauses Consolidation Law.

Town Council empowered to levy water rate not exceeding one halfpenny in the pound on property within 220 yards of water service.

Chapter 12 of Law 19, 1872, to be construed conjointly with this Law.

Town Council may make by-laws for purposes of this Law.

Town Council may regulate mode of water supply, frame special tariff for other than domestic use, and contract for supply to Government, and to persons outside Borough boundaries.

Proviso as to supply to Government Departments.

Penalty for polluting water, damaging water-works, or obstructing officers.

Officers to have access to private property within certain hours for inspecting purposes.

7. The Town Council of the Borough of Durban may in the year 1885, and in each succeeding year, levy a water rate not exceeding one halfpenny in the Pound Sterling upon any portion of the immovable property situate within the Borough which is liable to be rated under Law 19 of 1872, and which portion shall be brought within 220 yards of the water service.

8. For the purposes of the water rates authorised by this Law, chapter 12 (consisting of 20 clauses, numbered from 106 to 125 inclusive) of Law 19 of 1872, shall be construed conjointly with this Law.

9. The powers to make By-laws given to Town Councils, under Law 19 of 1872, are extended to the Town Council of the Borough of Durban for all the purposes of this Law.

10. The Town Council of the Borough of Durban may regulate and control the mode of supplying water on to private property, and may frame a tariff of special charges for any special consumption of water other than for domestic or household use, and may contract with the Natal Government and the Natal Harbour Board for the supply of water for the use of the Government and for the use of shipping, and may contract for the supply of water to persons residing outside the Borough boundaries: Provided that no such contract shall be entered into by and with the Natal Government for the supply of departments, other than the Natal Government Railways, unless a special water rate, as provided for by Clause 7 of this Law, shall have been levied and enforced.

11. If any person shall pollute the waters of the Umbilo River, above the dam authorised by this Law, or any water led from the said river under the authority of this Law, or shall obstruct any person in discharge of his duty in connection with the waterworks hereby authorised, or shall mischievously do any damage to property connected with the waterworks, such person on conviction thereof before the Resident Magistrate having jurisdiction, shall be liable to a penalty for each offence not exceeding £10, to be paid to the Borough Fund, or in default of payment to imprisonment, with or without hard labour, for a period not exceeding one month, and any person charged with contravening this Law may be prosecuted by any officer appointed on that behalf by the Town Council of the Borough of Durban.

12. The Town Council by its proper officers shall have the right of access into private houses or on to private lands for the purpose of inspecting pipes, meters, and cisterns, provided no such right shall be exercised against the wish of a householder, except between the hours of 9 o'clock in the forenoon and 1 o'clock in the afternoon, and then only in pursuance of written or printed notice, given not less than twenty-four nor more than forty-eight hours before the inspection.

Durban Water Works.—Quarantine.

13. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement
of Law.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 43, 1884.

(Signed) HENRY BULWER.

To extend the provisions of Law No. 4 of 1882, and to make provision for the payment of certain expenses incurred in connection with Quarantine at the Port."

WHEREAS it is expedient to amend Law No. 4, 1882, entitled Law "To amend the Law No. 3 of 1858, relating to Quarantine, and to give power to the Governor to declare an infected Port or Ports :"

Preamble.

And whereas it is also expedient to make provision for the payment by owners or masters of vessels of expenses incurred at the public Quarantine Station in connection with the maintenance of passengers or crews of such vessels as may be placed in Quarantine at the instance of the Quarantine authority at the Port :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. From and after the coming into effect of this Law, the provisions of the said Law No. 4 of 1882 shall, in addition to the cases therein referred to, be deemed to apply to any Port from which any vessel has arrived at Port Natal having any malignant disease of an infectious or contagious nature on board, or on board of which any such disease may have appeared in the course of the voyage.

Provisions of
Law 4, 1882, to
apply to Port
from which any
vessel has arrived
having infectious
disease on board.

2. In every case in which any of the passengers or crew of a vessel placed in Quarantine under the provision of Section 13 of Law 8, 1858, shall be transferred from such vessel to any public Quarantine Station, the owner or master of such vessel shall be liable for the payment of expenses connected with the feeding of such persons during the period such persons shall be quarantined in such Station : Provided that this Section shall not apply to the cases of Indian Immigrants introduced into the Colony at the instigation and expense of the Government of Natal, nor to the crews of vessels conveying such Indian Immigrants, if the contagious disease from which the crew of the vessel is or may have been suffering, was not introduced into the vessel by any member or members of such crew, but had broken out in the first instance amongst the passengers.

Owner or Master
of vessel quaran-
tined liable to
payment of
certain expenses
connected with
feeding of per-
sons quarantined

Proviso as to
Indian Immig-
rants.

Quarantine.—Railway Loan.

If disease
introduced by or
broke out
amongst crew in
first instance
Owner or Master
of vessel liable.

How expenses
recoverable.

Commencement
of Law.

And in case the disease shall have been introduced into the vessel by any member or members of the crew, or shall have broken out in the first instance amongst the crew, the owner or master of the vessel shall be liable for the expenses incurred as aforesaid, in regard to passengers, as well as the crew placed in the Quarantine Station.

3. All expenses incurred under the last preceding Section shall be recoverable in any competent Court in the Colony.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 44, 1884.

(Signed) HENRY BULWER.

*Vide Laws 1,
1886; 24, 1887;
9, 1888; 16, 1888.*

*To raise a Loan for the Construction and Equipment of certain
Lines of Railway in the Colony of Natal and for other purposes.*

Preamble.

WHEREAS under the provisions of "The Natal Loan Law, 1881, for the Extension of Railways and for other purposes," a certain Contract dated the 17th day of April, 1882, has been entered into for the construction and maintenance of the Ladysmith Extension Railway, and a certain Supplemental Contract, dated the 7th day of July, 1882, has also been entered into for the supply of materials for bridges, culverts, permanent way, points, crossings, and fencing, required in the construction and equipment of the said Ladysmith Extension Railway :

And whereas it is necessary to expend in and about the construction and equipment of the said Lines of Railway, under and in terms of the said Contract and the Contract supplemental thereto, a further sum of £350,000 (Three Hundred and Fifty Thousand Pounds Sterling) :

And whereas it is necessary to expend on and about the Reconstruction and Strengthening of the Bridges and on the Construction of Buildings and other Works on or upon the "Natal Government Railways," a sum not exceeding £45,000 (Forty-five Thousand Pounds Sterling) :

And whereas it is necessary to make provision for the payment of a sum not exceeding £20,000 (Twenty Thousand Pounds Sterling), being the amount awarded to the late Contractors, Messrs Wythes & Jackson, including the law costs incurred by the Government on and about said reference and award :

Railway Loan.

And whereas it is also necessary to raise a sum of money, not exceeding £1,500 (Fifteen Hundred Pounds Sterling), to pay over to the Corporation of Durban as the Consideration Money for transfer to the Government of certain War Department lands necessary for Railway purposes :

And whereas it is necessary to make provision for the Construction of Harbour Works, of an amount not exceeding £120,000 (One Hundred and Twenty Thousand Pounds Sterling) :

And whereas it is also necessary to make provision for raising a sum of money not exceeding £113,500 (One Hundred and Thirteen Thousand, Five Hundred Pounds Sterling), for the Trigonometrical Survey and the Construction of Public Works :

And whereas it is expedient to make provision for raising, by way of loan, funds for the purposes set forth and described in this preamble :

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. This Law may be cited for all purposes as “ The Natal Loan Law, 1884.” Short title.

2. In this Law,—

Interpretation
clause.

The expression “ the Governor,” means and includes the Governor or Officer administering this Government for the time being.

The expression “ debenture ” means a debenture or other security issued under the authority of this Law, and

The expression “ the Crown Agents ” means the Crown Agents for the Colonies in London for the time being.

3. The Governor may from time to time borrow upon debentures, or upon such other form of security as he may think preferable, such sum or sums of money, not exceeding in the whole the sum of £650,000 (Six Hundred and Fifty Thousand Pounds Sterling), and may employ and empower the Crown Agents or the Colonial Treasurer as hereinafter provided to negotiate and to effect the loan hereby authorised, and the amount so raised shall be applied for the following purposes, and for no other purposes :—

Governor authorised to borrow £650,000 for certain purposes.

- (a) The sum of £350,000 (Three Hundred and Fifty Thousand Pounds Sterling), or so much thereof as may be required, to pay for the construction, maintenance, equipment, and working of the Railway and works which may be constructed between the City of Pietermaritzburg and the Town of Ladysmith, and for all necessary services and labour in connection with the said Railways and works, and for the purchase of such lands, easements, and other property as may have to be purchased for the same, and for the purchase of all requisite materials, plant, engines, rolling stock, and other things in connection with the Railways,

Railway Loan.

- and the equipment and working thereof, and other purposes of the said recited Law, being the "Natal Loan Law, 1881."
- (b) A sum not exceeding £45,000 (Forty-five Thousand Pounds Sterling), to be expended on and about the Reconstruction and Strengthening of the Bridges and in the Construction of Buildings and other Works on or upon the Natal Government Railways.
 - (c) A sum not exceeding £20,000 (Twenty Thousand Pounds Sterling), to be paid to Messrs. Wythes & Jackson, the late Contractors for the construction of the Main Line between Durban and Pietermaritzburg and the North and South Coast Lines of the Natal Government Railways, being for payment of the amount awarded to such Contractors by the Consulting Engineer as Arbitrator in regard to certain claims for the construction of the afore-said Lines of Railway, made by the said Contractors against the Government of Natal, such sum of £20,000 (Twenty Thousand Pounds Sterling) including the law costs incurred by the Government on and about said reference and award.
 - (d) The sum of £1,500 (Fifteen Hundred Pounds Sterling), to be paid over to the Corporation of Durban as the consideration money for the transfer from the War Department to the Government of certain lands for Railway purposes.
 - (e) The sum of £120,000 (One Hundred and Twenty Thousand Pounds Sterling), or so much thereof as may be appropriated in terms of the "Harbour Board Law," No. 29, 1880, for the construction of Harbour Works at Port Natal.
 - (f) A sum not exceeding £113,500 (One Hundred and Thirteen Thousand Five Hundred Pounds Sterling) for the Trigonometrical Survey and Public Works of a permanent character approved by the Legislature of Natal.

Debentures not under £100 each to be issued in this Colony or England.

4. When the borrowing shall be upon debentures, such debentures shall be issued in this Colony or in England, or partly in this Colony and partly in England, for sums of not less than One Hundred Pounds each, but for any multiple of £100 upon the best and most favourable terms that can be obtained.

When borrowing upon Colonial Stock.

5. When the borrowing shall be upon Colonial Stock, the provisions hereinafter laid down in Sections 6, 7, 8, and 9 shall be observed.

Purchaser to be credited by Treasurer for amount purchased on production of scrip certificate.

6. Such Stock shall be issued by crediting the purchaser thereof for such sum thereof as he shall purchase, in books to be kept for that purpose by the Treasurer of the Colony, such credit to be given in the first instance upon production and delivery to the said Treasurer by such purchaser, or by his order, of a scrip certificate of the amount of Stock for which such credit shall be claimed,

Railway Loan.

such certificate being signed by the Colonial Secretary and countersigned by the said Treasurer, and by the Auditor, and which scrip certificate shall be kept in the office of the said Treasurer.

7. Such Stock shall bear interest at a rate to be specified in the said scrip certificate, not to exceed 5 per cent. per annum, and such interest shall be payable half-yearly on the days to be fixed at the date of the first issue, and shall be paid on such days, respectively, or so soon thereafter as demand shall be made therefor by the lawful holder for the time being of such Stock, to such lawful holder or his duly authorised attorney, at the office of the Treasurer in Natal.

Interest not to exceed 5 per cent. and payable half-yearly.

8. Such Stock shall be transferable by transfer in the books of the said Treasurer, and every person to whom any such credit, as aforesaid, shall have been given in the said books in the first instance, or to whom any such transfer shall thereafter have been made in the said books, shall be entitled to require and demand of the said Treasurer a receipt or certificate stating the amount of such Stock standing to his credit in such books.

Transfer of Stock.

9. Such Stock shall be put up for public tender at a price to be fixed and determined by the Governor, and in such amounts as may from time to time seem fit, and shall be disposed of for the best terms which can be thus obtained, and if more tenders than one offering the same terms shall be received for a greater amount of such Stock than the amount disposable, it shall be lawful to accept any one or more of such tenders, or any part of such tenders as circumstances may make expedient: Provided always, that it shall be competent to reject the whole or any of the tenders should such be deemed unsatisfactory.

Stock to be disposed of by public tender.

10. The principal money secured by every debenture issued under the authority of this Law shall bear interest at a rate not exceeding Five Pounds per cent. per annum, and such principal money and interest shall be and are hereby charged upon and made payable out of the general revenue and assets of the Colony, but subject to all now subsisting debts and sums of money charged on such revenue and assets by virtue of any Law heretofore passed.

Interest not to exceed 5 per cent.

11. The interest on the principal money secured by any debenture shall commence from a day to be named in the debenture, and shall be paid half-yearly as regards the portion of the loan raised in England at the office of the Crown Agents in London, and as regards the portion of the loan raised in Natal at the Treasury of this Colony, and the principal sum secured shall be paid at the same places, on a day to be also named in the debenture, and being not more distant than forty-five years from the First day of January, 1886.

How and when interest and principal are to be paid.

12. The debentures issued under this Law may be issued at the par value thereof, or at a premium upon or discount from the par value, as the Governor of the Colony or the Crown Agents shall deem to be expedient at the time of issue.

Debentures may be issued at premium or discount on par value.

Railway Loan.

How debentures must be signed.

13. Every debenture shall be signed by the Colonial Secretary and the Colonial Treasurer of Natal, and as regards that portion of the Loan raised in England shall be countersigned by the Crown Agents, or one of them as agents or agent for the negotiation of the loan hereby authorised, and be registered before issue in the Register Books to be kept for that purpose in the office of the Crown Agents and in the Treasury of the Colony.

Coupons to be attached to debentures for payment of interest.

14. To every debenture shall be attached, at the time of the issue thereof, coupons for the payment of the interest upon the principal sum secured by the debenture, to become due in each half year, either during the whole period during which the debenture shall have to run or a part of such period, as the Governor may determine.

Debentures and coupons transferable.

15. Every debenture and coupon shall be transferable, and the right to receive the principal money and interest respectively secured or represented thereby shall pass by delivery.

Appropriation out of general revenue for payment of interest and remission of to Crown Agents.

16. The Governor shall appropriate and set apart in each half year, out of the general revenue of the Colony, a sum sufficient for the payment of the interest accruing in such half year on the entire amount of the principal moneys borrowed under this Law, and for the time being owing, and shall remit to the Crown Agents in London so much of the sum so appropriated as may be from time to time required for the payment of such half year's interest when the same shall fall due in England.

Appropriation for sinking fund.

Vide Law 24, 1887.

17. The Governor shall, half yearly, commencing from the first day of January, 1886, also appropriate and set apart out of the General Revenue of the Colony a sum of money equal to one-half of one per cent. of the principal money of £536,500 (Five Hundred and Thirty-six Thousand Five Hundred Pounds Sterling) borrowed under and by virtue of the provisions of this Law for the various purposes specified in Sub-sections *a, b, c, d, and e* of Section 3 hereof, and for the time being owing, in order to form a Sinking Fund, as hereinafter provided, and shall, half yearly, remit the same to the Crown Agents for that purpose.

Appropriation for sinking fund.

Vide Law 24, 1887.

18. The Governor shall also, half yearly, commencing from the first day of January, 1886, also appropriate and set apart, out of the General Revenue of the Colony, a sum of money equal to 2 per cent. of the entire amount of the principal money of £113,500 (One Hundred and Thirteen Thousand Five Hundred Pounds Sterling), borrowed for the Trigonometrical Survey and the construction of Public Works, as set forth in Sub-section *f* of Section 3 hereof, and for the time being owing, in order to form a Sinking Fund, as hereinafter provided, and shall, half yearly, remit the same to the Crown Agents for that purpose.

Appointment of trustees for sinking fund.

19. The Governor shall, with the approval of the Secretary of State for the Colonies for the time being, nominate and appoint two or more persons to be trustees for the purposes of the sinking funds before mentioned, and may, from time to time, with the like approval, nominate and appoint other fit persons to fill casual vacancies in the number of trustees occasioned by death or otherwise, so that the number of trustees may never be less than two.

Railway Loan.

20. The Crown Agents shall pay over to the trustees for the time being all sums remitted to them under Sec. 17 hereof, and the trustees shall accumulate the same to form a Sinking Fund for the redemption of the Loan hereby authorised, namely, £586,500 (Five Hundred and Thirty-six Thousand Five Hundred Pounds Sterling), for the several purposes mentioned in Sub-sections *a*, *b*, *c*, *d*, and *e* of Sec. 3 of this Law, as aforesaid, by investing the same sums and all the resulting income thereof in some one or more of the Securities of the Imperial Government of Great Britain, or of the Government of any Colony or Dependency of Great Britain.

Duties of trustees on receiving sums remitted for sinking fund.

21. The Trustees may from time to time apply any part of the Sinking Fund in the purchase of Debentures issued under the authority of this Law for the several purposes mentioned in Sub-sections *a*, *b*, *c*, *d*, and *e* of Section 3 of this Law. All Debentures so purchased, and the interest coupons attached thereto, shall be immediately cancelled or destroyed. Subject to this power of applying the same, the Sinking Fund shall be applied in payment, as and when the same shall become due, of the principal moneys for the time being owing on Debentures issued for the purposes above referred to, under the authority of this Law, *pari passu*, and without any priority.

Trustees may apply sinking fund in purchase of debentures issued under this Law.

22. In case the Sinking Fund shall be insufficient for the payment of all principal moneys borrowed under the authority of this Law, for the purposes referred to in the last preceding Section, at the respective times when the same shall have become due, the Governor shall make good the deficiency out of the General Revenue and Assets of the Colony.

If sinking fund insufficient to pay moneys borrowed, general revenue to make good the deficiency.

23. The Crown Agents shall pay over to the Trustees for the time being, all sums remitted to them under Sec. 18 hereof, and the Trustees shall accumulate the same to form a Sinking Fund for the redemption of the Loan hereby authorised, namely, £118,500 (One Hundred and Thirteen Thousand Five Hundred Pounds Sterling), for the Trigonometrical Survey and the Construction of Public Works, as mentioned in Sub-section *f* of this Law as aforesaid, by investing the same sums, and all the resulting income thereof in some one or more of the securities of the Imperial Government of Great Britain, or of the Government of any Colony or Dependency of Great Britain.

Duties of trustees on receiving sums remitted for sinking fund.

24. The Trustees may from time to time apply any part of the Sinking Fund in the purchase of Debentures issued under the authority of this Law for the Trigonometrical Survey and the construction of Public Works, as mentioned in Sub-section *f* of this Law as aforesaid. All Debentures so purchased, and the interest coupons attached thereto, shall be immediately cancelled or destroyed. Subject to this power of applying the same, the Sinking Fund shall be applied in payment, as and when the same shall become due, of the principal moneys for the time being owing on Debentures issued for the purposes above referred to, under the authority of this Law, *pari passu*, and without any priority.

Trustees may apply sinking fund in purchase of debentures issued under this Law.

Railway Loan.—Education.

If sinking fund
insufficient to
pay moneys
borrowed,
general revenue
to make good
the deficiency.

25. In case the Sinking Fund shall be insufficient for the payment of all the principal moneys borrowed under the authority of this Law for the purposes referred to in the last preceding Section, at the respective times when the same shall have become due, the Governor shall make good the deficiency out of the General Revenue and Assets of the Colony.

Debentures,
when paid, to be
cancelled.

26. Every debenture, the principal money secured by which shall be repaid, shall be delivered up to the Crown Agents and be by them immediately cancelled or destroyed.

No re-borrowing
allowed.

27. No money shall be re-borrowed, nor shall any re-issue of debentures be made in respect of any debentures purchased or paid off and cancelled or destroyed as aforesaid.

Application of
moneys
borrowed.

28. All moneys borrowed under the authority of this Law shall be applied to and for the purposes for which the same are hereby authorised to be borrowed, and in payment of all costs and expenses of and incidental to the borrowing of the same, and for no other purpose whatever.

Commencement
of Law.

29. This Law shall not come into operation unless and until the Officer administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify by the same or any other Proclamation.

Given at Government House, Natal, this 8th day of
November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 45, 1884.

(Signed) HENRY BULWER.

*Vide Law 2,
1884.*

To repeal in certain respects Law No. 18 of 1861, and to make provision for certain Funds and Lands under the said Law being made available for Educational needs in the Colony.

Preamble.

WHEREAS it is expedient to make provision for certain Funds and Lands, now set apart for Colleges and Schools not established, being made available for Educational needs in the Colony :

And whereas in the year 1861 a Law (No. 18 of 1861) was passed for establishing, regulating, and providing for a Collegiate Institution at Pietermaritzburg :

And whereas, under the provisions of the aforesaid Law, No. 18 of 1861, certain lands, funds, property, and revenue have from time to time been vested in certain Trustees for and on behalf of the said Collegiate Institution :

Education.

And whereas no effective steps have been taken to establish the Institution contemplated by that Law :

And whereas it is expedient to appropriate the lands, moneys, and other property, by whomsoever granted, given, or transferred under the said Law as aforesaid, to the Educational needs of the Colony as provided for in this Law :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. So much of the Law No 18, 1861, entitled, Law “For establishing, regulating, and providing for the Pietermaritzburg Collegiate Institution,” as is inconsistent with the provisions of this Law, shall be and the same is hereby repealed.

Repeal of portion of Law 18, 1861, inconsistent with this Law.

2. All lands, funds, property, and revenue of every nature and description belonging to the said Collegiate Institution of Pietermaritzburg, by whomsoever originally conveyed, granted, given or transferred for the purposes of the said Institution, and all property, movable and immovable of every description, and all interest, rents, and profits that may have been since derived from the said lands, funds, property, or investments thereof, so conveyed, granted, given, or transferred, shall be vested in and administered by the Council of Education of Natal, constituted and appointed under and by virtue of Law No. 15, 1877, as aforesaid. The Council of Education shall, from and after the commencement of this Law, stand seized and be possessed of, and be entitled to all the land and other property, movable and immovable, so conveyed, granted, given, or transferred, as aforesaid, and the fruits thereof, to be applied by such Council of Education for the erection and maintenance, with all necessary boarding and residential accommodation, of a School for the Higher Education of Boys, and be managed, carried on, and conducted under the provisions of Law 16, 1877, upon the land granted to the Trustees of the Pietermaritzburg Collegiate Institution by the Corporation of Pietermaritzburg. The Council of Education shall be bound to begin such School within three years from the date of the passing of this Law, and to complete the erection of such School without any unnecessary delay : Provided, however, that should such School not be commenced within such period of three years the funds and property hereby granted shall revert to the respective donors thereof.

Transfer of property of Pietermaritzburg Collegiate Institution to Council of Education.

To be applied to erection and maintenance of School for Higher Education of Boys.

Erection of school to be commenced within certain date, or property to revert to donors.

3. The Council of Education of Natal, constituted and appointed under the provisions of the Law passed in 1877, entitled a Law “To make better provision for Primary or Elementary Education in the Colony of Natal,” may take and hold lands now or hereafter granted or transferred to them within the Colony of Natal, or any interest in such lands, and may grant, sell, lease, or otherwise dispose of the said lands in such wise as they shall deem fit for the purposes of Education in the Colony : Provided, however, that the approval of the Governor shall be first obtained to any such appropriation ; and provided further, that any lands which may be

Council of Education may hold and dispose of lands for purposes of Education, subject to approval of Governor to any appropriation.

Education.—Cattle Stealing.

vested in the said Council of Education by this Law shall be used only for the purposes of this Law.

Commencement
of Law.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be read and construed together, with Laws Nos. 15 and 16 of 1877 as one Law.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,
(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 46, 1884.

(Signed) HENRY BULWER.

To amend the Cattle Stealing Law No. 10 of 1876.

Preamble.

WHEREAS it is expedient to alter and amend the Law No. 10 of 1876, entitled "Law to make provision for the detection and punishment of Natives wrongfully and unlawfully stealing, killing, stabbing, or wounding Cattle, and to make provision with regard to the removal of Cattle from place to place within the Colony;" and for such purpose to repeal Section 8 of the said Law, and to re-enact the same with certain alterations in order to make provision for the better detection and punishment of Natives guilty of these and like crimes :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Sec. 8, Law 10,
1876, repealed.

1. Section 8 of Law No. 10 of 1876 shall be and is hereby repealed.

Native not to
remove, drive, or
lead cattle unless
provided with
written pass,
specifying par-
ticulars as to
name of Native,
date, number,
and kind of
cattle, &c., such
pass not to be
valid for more
than 21 d.-ys.

2. No Native shall remove, drive, or lead any cattle from any one part of this Colony to any other unless he shall be provided with a pass in writing signed by a Resident Magistrate, Administrator of Native Law, Justice of the Peace, Field Cornet, the owner, or agent of owner of the cattle, or the owner, or occupier of the land on which any such Native resides, or some other person authorised thereto by the Resident Magistrate, stating the date on which such pass is issued, specifying the name of the person in charge, the number and kind of such cattle, the place from which the cattle are being driven or led, and the place to which they are being taken, and the designation and place of abode of the person granting such pass. No pass so issued shall be valid for a period of more than twenty-one days.

Provisions of
Law 10, 1876, to
extend to theft
or receiving
stolen skins or
attempted theft,

3. All and singular the provisions of the Cattle Stealing Law 10 of 1876 relating to the stealing, killing, stabbing, or wounding of cattle shall extend to the crime of theft of the skin of any such animal, or any portion of the same, or of receiving the same know-

Cattle Stealing.

ing it to have been stolen, and to the crime of attempting to steal any such animal or skin; and also to the crime of appropriating or stealing the carcass of any cattle or any portion of the same precisely as though these crimes had been enumerated in the Law.

4. If any Native shall be found in the possession of the skin, head, or horns or carcass of any cattle, or of any portion of the same bearing a brand or mark shown to be that of some person other than the Native in whose possession the same shall be found, or of any skin which shall be recognised as the skin of an animal that is missing, he shall be bound to satisfy the Court before which he may be tried, that he came by the same lawfully, otherwise he shall be deemed to be guilty of the theft of the said skin, head or horns or such portion of the carcass.

5. All and singular the provisions of Section 6 of Law No. 10 of 1876 shall extend and be applicable to the case of any cattle which shall have been wrongfully and unlawfully stabbed or killed, or found so stabbed or killed near or in the neighbourhood of any Native Village, Kraal, or collection of Kraals.

6. If the inhabitants or any of them of any Native Village, Kraal, or collection of Kraals, shall knowingly, or having reasonable grounds of suspicion, harbour or receive any person who shall have wrongfully and unlawfully stabbed or killed any cattle, or shall prevent the apprehension of such person, or shall assist him to escape they shall upon conviction forfeit and pay to Her Majesty, Her Heirs and Successors, for the uses of the Government of this Colony, any sum not exceeding £10.

7. All offences against Sections 5 and 6 hereof, shall be cognizable by and triable in the Court of the Administrator of Native Law of the County or Division within which any such Native Village, Kraal, or collection of Kraals shall be situated, subject to an appeal to the Native High Court.

8. The Law No. 10, 1876, and this Law shall be read and construed together as one Law.

9. No repeal effected by this Law shall in any matter whatsoever affect any right accrued, liability, forfeiture, or penalty incurred, or offence committed, or anything done, or omitted to be done, before the passing of this Law, nor any legal proceedings commenced or hereafter to be commenced with respect to any such right, liability, forfeiture, penalty, or offence, or thing done, or omitted to be done.

10. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

and to stealing carcass or any portion thereof.

Native in possession of skin, &c., bearing other person's brand deemed guilty of theft unless he satisfies Court that he came by same lawfully.

Sec. 6, Law 10, 1876, applicable to case of cattle found stabbed or killed near any Native village or kraal.

Inhabitants of any Native village or kraal harbouring person guilty of having stabbed or killed cattle, or assisting him to escape liable to fine not exceeding £10.

Contraventions of Secs. 5 and 6 hereof triable by Administrator Native Law, subject to appeal to Native High Court.

Law 10, 1876, and this Law to be construed together.

Proceedings, &c., commenced before passing of this Law not affected hereby.

Commencement of Law.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Pietermaritzburg Corporation.

LAW No. 47, 1884.

(Signed) HENRY BULWER.

To amend and extend in certain respects the provisions of the Municipal Corporations Law 1872, in so far as regards the City and Borough of Pietermaritzburg.

Preamble.

WHEREAS by the Municipal Corporations Law, 1872, Section 52, power and authority are given to the Municipal Corporations constituted thereunder, including the Town Council of the City and Borough of Pietermaritzburg, to make any tramways, roads, streets, and bridges, and to excavate, construct, and lay watercourses, water-pipes, conduits, sluices, dams, reservoirs, drains, and other like works within the limits of the Borough, and to keep the same in repair.

And whereas the Town Council of the City and Borough of Pietermaritzburg has already expended a sum of upwards of (£50,000) Fifty Thousand Pounds Sterling in waterworks, and it is estimated that the same when completed will have cost a sum of (£60,000) Sixty Thousand Pounds sterling :

And whereas the Loan Law No. 10, 1881, under which these moneys have been raised imposes the whole burden of interest upon the yearly revenue of the Corporation :

And whereas it is desirable that the Council of the City and Borough of Pietermaritzburg should be invested with ample and complete powers to levy water rates within the City :

And whereas in order to increase the sinking fund by sales of land under Loan Law No. 10, 1881, and the exchange being otherwise desirable, and for the convenience of the burgesses of the said City and Borough, it is expedient that the said Council should be authorised and empowered to exchange certain park lands for other lands within the Borough, and that the Trustees of the said Park Lands shall be empowered to co-operate in such exchange, to wit:—

- (a) A certain piece of land in extent 6 acres on the north bank of the River Umsundusi, bounded N.W. by Prince Alfred Street, S.W. by West Street, and on other sides by the River.
- (b) A triangular shaped piece of land in extent about 27 acres, situate at the South East corner of the Park, and outside the present fence, bounded Eastwards by the remainder of the Park, and on all other sides by Town Lands (the present road to Richmond passes through this piece).

For

- (c) A piece of land in extent 20 acres 1 rood and 15·7 perches, being Lot No. 502 of the Town Lands of Pietermaritzburg, bounded N.W. by Town Lands, N.E. by road, S.W. by Lot 801, and S.E. by Lot 476, to be known as the Northern Park.

Pietermaritzburg Corporation.

- (d) A piece of land of not less extent than 50 acres situated near the Railway Extension, about two miles Westward of the City, and bounded S. by a reserve of 100 feet on the Town Lands boundary, E. by Lots 228 and 365 and the Railway, and W. and N. by Town Lands, and to be known as the Albany Park.

And whereas on 24th January, 1863, the Colonial Government granted unto the Mayor and Councillors of Pietermaritzburg in exchange, a certain piece of land in extent 442 acres or thereabouts, bounded on the Northward by the farm "Groenkloof," Eastward by the Town Lands, and Westward by Government Lands, and land belonging to the Estate of J. C. Byrne and J. Troy's grant, which land has been subdivided by the Corporation into 29 plots, and doubts have arisen as to the general powers and obligations of the Corporation over such land, and it is desirable that such land, and all subdivisions thereof, should be declared Town Lands of the Borough, and as such entitled to all the privileges, and liable to all the obligations appertaining to such lands, as if the same had been included in the original grant of 27th July, 1855 :

And whereas, since the formation of the City of Pietermaritzburg, considerable extensions have been made, and the lands hereinafter named derive advantages from the Waterworks and otherwise alike with other portions of the City, and it is desirable to extend the boundaries of the City of Pietermaritzburg, and for that purpose to declare the following lands to be portion of the City of Pietermaritzburg :—

1. The 57 Lots into which Lot A of Outspan No. 8 has been divided.
2. All the lands contained between the City's present boundaries and the Umsundusi River, the Dorp Spruit, and the Ordnance ground :

And whereas it is desirable to amend Section 72 of the Municipal Corporations Law, 1872, by increasing the number of members of the Licensing Board therein provided for, and fixing the number required to form a quorum :

And whereas by Section 110 of the said Law certain immovable property is declared exempted from rates, and it is desirable to more fully define the nature of the properties entitled to such exemption, and also to declare that such exemption shall only apply to the general rate, and to any special water-rate or assessment, and not to the special tariff of charges, for water in this Law contemplated :

And whereas by Section 64 of the said Municipal Corporations Law, the said Council are empowered to define and lay down the face lines of streets, and have so done, and expended much money in kerbstones, and pathways, and pavements, and it is desirable to confer further powers on such Council with regard thereto :

Pietermaritzburg Corporation.

And whereas plans of the existing Park Lands, and of the lands proposed to be substituted therefor, and also of the lands granted on 24th January, 1863, and of the lands proposed to be included within the City boundaries, have been deposited in the office of the Clerk of the Legislative Council :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. For the purpose of raising funds to pay the annual interest, claims, and other expenses arising from water supply, the Town Council is hereby empowered to impose, levy, and collect an annual rate or assessment to be called the "Water Rate," in addition to the general Municipal rate, and every rate or assessment so imposed and levied shall be of the same force and effect, and be levied and recoverable in the same manner as rates or assessments under the Municipal Corporations Law 19, 1872 : Provided always that such water rate shall not exceed one half-penny in the Pound Sterling on the freehold value of property as set forth in the Valuation Roll in force for the time being.

2. The said Council is hereby further empowered from time to time to make and frame a tariff of charges by which the supply of water by water-leading for other than ordinary household or domestic purposes shall be regulated, and to enforce and collect the same. And the Council is hereby invested with full powers to regulate and control the manner and quantity of such water supply, and to divert or stop the same when necessary.

3. It shall be lawful for the said Council at any meeting, at which a majority of two-thirds of the Members shall be present, to make and frame from time to time such By-laws as shall be deemed necessary for giving effect to the provisions of this Law ; and such By-laws shall be submitted for the approval of the Governor, as provided in Section 75 of Law 19, 1872, and upon receiving the sanction of the Governor, shall have the force and effect of Law.

4. Provided always that the rate or assessment leviable under Sec. 1 hereof shall not be imposed or levied on immovable property outside the boundaries of the City, as hereinafter defined and except as in this Law provided ; but it shall, nevertheless, be lawful, and the said Council is hereby empowered to make and enter into special contracts for the supply of water to sections or portions of the Town Lands on such terms as may be agreed upon between the parties, but so that those paying water rates within the City are not thereby injured.

5. In the event of the total amount authorised to be raised under Sections 1 and 2 hereof being insufficient to pay the interest, claims, and expenses arising from water supply, the estimated balance if any required shall be provided out of the general Municipal rates and revenues.

6. The Trustees of the Lands now appropriated for Park purposes holding office by deed, bearing date the 17th July, 1868, are hereby

Town Council empowered to levy water rate.

Proviso.

Council may frame tariff of charges for supply for other than domestic purposes, and regulate such supply.

Power to frame by-laws.

Water rate not to be levied on property outside City boundaries, but Council may enter into special contracts for supply of water to Town Lands property.

If amount raised by water rate insufficient to meet claims, balance may be provided out of general Municipal revenue.

Transfer of land for park purposes, &c.

Pietermaritzburg Corporation.

empowered to cede and transfer in freehold the lands marked *a* and *b* in the preamble hereof, and to receive in lieu thereof and for Park purposes the lands marked *c* and *d*, and the said Council is hereby empowered to receive transfer of said lands *a* and *b*, and to give transfer for said Park purposes of *c* and *d*. The said lands *a* and *b* when transferred to the Corporation shall be deemed and taken to be a portion of the Town Lands of the Borough.

7. It shall and may be lawful for the said Council, and it is hereby empowered to dispose of, in one or more lots, by public auction, the property set forth in Sub-sections A and B in the preamble hereof, and to transfer any such lot or lots in freehold to the purchaser or purchasers thereof.

Council empowered to dispose of certain lands.

8. All rights, privileges, and obligations, now or hereafter attaching to the Town Lands of the City and Borough of Pietermaritzburg, shall attach to and be borne by the lands set forth in Schedule A annexed hereto, in the same manner as if such lands had been included in the original grant of the Town Lands, dated 27th July, 1855.

Certain lands brought within the Borough boundaries.

9. The lands set forth in Schedule B annexed hereto shall form part of the City of Pietermaritzburg, and be entitled to all rights and privileges, and liable to all obligations in the same manner as if such lands had been originally included within the former boundaries of the City.

Certain lands brought within the Borough boundaries.

10. Section 72 of the Municipal Corporations Law of 1872, shall be, and the same is hereby amended as follows: The Licensing Board shall consist of five members instead of three, the two additional members being thereto nominated thus—one by the Governor and one by the Council; neither of the two additional members so nominated shall be in any way connected with the trade in or manufacture of intoxicating liquors.

Amendment of Sec. 72 of Law 19, 1872.
Increase of number of members of Licensing Board.

11. The Mayor, when present, shall preside at such Board, and in case of his absence the members present shall elect a Chairman, and such Mayor or Chairman shall have a second or casting vote in cases of equality of votes.

Chairman to have casting vote.

12. Any three members of such Board shall form a quorum.

Quorum.

13. Section 110 of Law 19, 1872, is hereby amended by the addition of the words:—"And no Church, Chapel, or other building, exclusively dedicated to religious worship or exclusively used for education, nor any burial ground or cemetery, nor any infirmary, hospital, charity school, or other building used exclusively for charitable purposes, nor any building, land, or hereditament, dedicated to or used for public purposes, shall be rateable, except where any private profit or use shall be directly derived therefrom, in which case the person deriving such profit or use shall be liable to be rated as an occupier."

Section 110 of Law 19, 1872, amended.

14. The exemptions provided in Section 110 of Law 19, 1872, and in the preceding section hereof, shall apply only to general Municipal rates and the special Water-rate provided in Section 1 hereof, and not to the tariff of charges to be made under Section 2 of this Law.

Exemptions not to apply to tariff of charges under Section 2 of this Law.

Pietermaritzburg Corporation.—Entry and Departure of Natives.

Council empowered to make by-laws for the protection of footpaths, &c.

15. The Council is hereby authorised and empowered to make By-laws for the protection of all kerbstones, footpaths, and pavements, requiring all persons crossing the same with carriages, carts, trolleys, or wagons, to protect and keep protected such kerbstones, pathways, and pavements, to the satisfaction of the Council, such By-laws to be subject to confirmation by the Governor, as provided in Section 75 of Law 19, 1872.

Application of Law.

16. This Law shall only apply to the City and Borough of Pietermaritzburg, and shall be read and construed with the Municipal Corporations Law, 1872.

Commencement of Law.

17. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

SCHEDULE A.

Schedule referred to in Section 8.

A certain piece of land, in extent 442 acres or thereabouts, bounded N. by the farm "Groenkloof," E. by the Town Lands, and W. by Government lands and land belonging to the estate of J. C. Byrne and J. Troy's grant, which land was granted in exchange to the Mayor and Councillors of Pietermaritzburg by the Colonial Government on the 27th January, 1868.

SCHEDULE B.

Schedule referred to in Section 9.

The 57 Lots, into which Lot A. of Outspan No. 3 has been divided.

All the lands contained between the City's present boundaries and the Umsundusi River, the Dorp Spruit, and the Ordnance Ground.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 48, 1884.

(Signed) HENRY BULWER.

Vide Law 43, 1887.

To provide for the better regulation of the passing and repassing of Natives between Natal and the Neighbouring States and Territories.

Preamble.

WHEREAS it is expedient to make provision for regulating the entry of Natives of the Neighbouring States and Territories into the

Entry and Departure of Natives.

Colony of Natal, and the return of the same, and for the departure from Natal or return thereto of Natives residing, or who had been resident in the Colony :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Governor in Council may from time to time and at all times frame, make, and issue such Rules and Regulations as may be considered necessary for the purpose of regulating and making provision for the entry of Natives into this Colony, their sojourn therein, and their return therefrom, and to amend, alter, vary, or annul any such Rules and Regulations.

Governor in Council may make rules regulating entry of Natives into Colony, sojourn therein, and return therefrom.

2. It shall also be lawful for the Governor in Council from time to time and at all times to frame, make, and issue such Rules and Regulations as may be considered necessary for the purpose of regulating and making provision for the departure beyond the boundaries of Natal, or return thereto, of Natives residing or who had been resident in the Colony.

Governor in Council may make rules regulating departure from or return to Natal of Natives resident in the Colony.

3. Any person who shall harbour any Native contravening any of the Rules or Regulations made under this Law, or who shall in any way aid or abet any Native in violation of this Law or the Rules and Regulations made hereunder, shall be deemed guilty of a contravention of this Law and the Rules and Regulations issued in virtue thereof.

Person harbouring or aiding Native in violation hereof to be deemed guilty of a contravention.

4. Any person or persons knowingly contravening any of the Rules made under this Law shall be liable to pay a fine not exceeding £10, or in default of payment thereof to imprisonment for a term not exceeding Three Months, with or without hard labour, or both : Provided that one-half of the penalty imposed may be awarded by the Court before which the case is tried to the informer through whose information such person or persons shall have been convicted.

Penalty for contravention of rules.

Molesty may be awarded to informer.

5. All contraventions of the Rules or Regulations made under this Law shall be prosecuted before the Court of the Resident Magistrate for the County, Division, or District in which such offence shall have been committed, in the case of Europeans, and before the Court of the European Administrator of Native Law in the case of Natives.

Contraventions, how prosecuted.

6. Nothing in this Law contained shall affect or be deemed to affect, or in anywise repeal, the regulations made in terms of Ordinance 3, 1849, regarding refugees coming into the Colony of Natal.

This Law not to be deemed to affect refugee regulations under Ordinance 3, 1849.

7. This Law shall be in force and extend only to such Divisions, Counties, or Districts, as the Governor, by and with the advice of his Executive Council shall, by Proclamation, declare to be under the operation of this Law, and for such period only as from time to time may be deemed expedient and necessary.

This Law only to extend to parts of the Colony declared by Governor in Council to be under its operation.

8. This Law shall not come into operation unless and until the Officer administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and there-

Commencement of Law.

Master, Supreme Court.

after it shall come into operation, upon such day as the Officer administering the Government shall notify by the same or any other Proclamation.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 49, 1884.

(Signed) HENRY BULWER.

Amended *vide*
Law 8, 1888.

To provide for the payment to the Master of the Supreme Court of certain Moneys, and for the investment and disposal of the same.

Preamble.

WHEREAS it is expedient that provision should be made by Law for the payment to and deposit with the Master of the Supreme Court, of Moneys due to minors and to unknown heirs, in and to the estates of persons dying testate or intestate; and of unclaimed moneys in the hands of executors, curators, and trustees; and also to provide for the investment and disposal of such moneys:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. All sums of money found to be due to minors in intestate estates, and all unclaimed sums of money in such estates, or in the hands of the executors or administrators of such estates shall, upon the confirmation by the Supreme Court or by one of the Judges thereof, of the liquidation and distribution accounts of such estates, be deposited with the Master of the Supreme Court, unless at the time of such confirmation the Supreme Court, or one of the Judges thereof, shall otherwise order.

2. Executors of testate estates may with the sanction of the Supreme Court, or one of the Judges thereof, deposit with the Master of the Supreme Court, any or all sums of money in their hands or under their control, belonging to any minor heirs of such estates.

3. Trustees of insolvent or assigned estates shall deposit with the Master of the Supreme Court, to be dealt with under this Law, all dividends or other moneys remaining unclaimed in their hands for six months after the confirmation of their accounts.

4. The Master of the Supreme Court shall deposit in the Colonial Treasury all sums of moneys received by him under this Law or otherwise (fees of his office excepted), and separate entries and accounts

Unclaimed moneys and moneys due to minors in intestate estates to be deposited with Master, Supreme Court.

Moneys belonging to minors in testate estates may be deposited with Master, Supreme Court.

Unclaimed moneys in insolvent or assigned estates to be deposited with Master, Supreme Court.

Master, Supreme Court to deposit moneys in Colonial Treasury.

Master, Supreme Court.

shall be made and kept of all such moneys in the offices of the said Master and of the Colonial Treasurer.

5. On all sums of money deposited with the Master of the Supreme Court belonging to minors in intestate estates, interest shall be allowed at the rate of four per cent. per annum, and on moneys belonging to minors in testate estates at the rate of four per cent. per annum, and such interest shall be made up to the 30th of June and the 31st of December in each year, and be payable by the Colonial Treasurer upon the presentation of drafts drawn by the Master of the Supreme Court.

Rate of interest.

6. Interest shall not be allowed upon any moneys deposited with the Master of the Supreme Court, other than those belonging to minors, and all interest allowable upon the moneys of minors shall cease when such minors attain the age of majority.

Interest only allowed on minors' moneys.

7. [Repealed. *Vide* Law 8, 1885, Section 2.]

8. For the purpose of investing the moneys which have already accumulated in the Colonial Treasury under the head of Master's Deposits, and the moneys to be hereafter deposited with the said Master by virtue of this Law, or otherwise, it shall be lawful for the Governor to appoint a Board to consist of the Colonial Treasurer, the Registrar of Deeds, and the Master of the Supreme Court.

Creation of Board for investment of moneys.

9. In order to further and secure the due and proper investment of all such moneys which now are, or may hereafter be, deposited in the Colonial Treasury by the Master of the Court, the said Board may with such moneys purchase British Colonial debentures, bonds, and British Government securities, may make deposits in Banks doing business in Natal, and may grant loans upon the security of immovable property: Provided that no loan secured upon the mortgage of immovable property shall be for a longer period than three years, nor exceed one-half of the ascertained value thereof. [Added to *vide* Law 8, 1885, Section 1.]

How moneys to be invested and deposited.

Proviso as to loan on mortgage of immovable property.

10. No more than seven-eighths of the moneys deposited by the Master of the Supreme Court in the Colonial Treasury shall at any time be invested by the said Board.

Limit of amount to be invested.

11. All income, revenue and profits accruing from investments made by the said Board, shall be paid into the Colonial Treasury, and shall in the first place be applied to the payment of interest due upon moneys belonging to minors, and to the payment of the costs of publishing the list of unclaimed moneys, and to any and all other charges connected herewith, and the balance of any remaining shall be appropriated for the benefit of the General Revenue of the Colony.

Income from investments, how disposed of.

12. All sums of money which now have, or hereafter shall have remained unclaimed in the hands of the Master of the Supreme Court, and which shall have been published as unclaimed in manner hereinbefore provided, for a period of 33 years, shall become forfeited to the Government of this Colony, and become part of the public revenue thereof, but without prejudice to the Governor, upon proof to his satisfaction by or on behalf of any person claiming any of

When unclaimed moneys become forfeited to Government.

Governor may direct payment of money forfeited to person entitled.

Master, Supreme Court.—Land and Immigration Board.

such moneys, being entitled thereto, directing payment of any sum of money which may have become forfeited by virtue of this Law.

Jurisdiction of
Supreme Court
not interfered
with.

13. Nothing in this Law shall be deemed to restrict or in any way interfere with the authority or jurisdiction of the Supreme Court, or of any of the Judges thereof, over the disposition or appropriation of any or all of the moneys which have been or may hereafter be deposited with the Master of the Supreme Court.

Commencement
of Law.

14. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Law No. 50, 1884.

(Signed) HENRY BULWER.

To amend and extend the provisions of Law No. 21, 1876, entitled Law "To provide for the Establishment of a Land and Immigration Board."

Preamble.

WHEREAS it is expedient to amend and extend the provisions of the Law No. 21, 1876, entitled, "Law to provide for the Establishment of a Land and Immigration Board," so as to make the said Law applicable to persons of European descent other than Immigrants introduced into the Colony by the Land and Immigration Board for the purpose of the settlement and occupation of lands under the provisions of the said Law 21, 1876 :—

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Extension of
provisions of
Law 21, 1876, to
European resi-
dents in Natal
other than
immigrants.

1. The Land and Immigration Board constituted under the provisions of the "Land and Immigration Board Law, 1876," is hereby empowered to grant, on any special settlement being established, subject to the approval of the Governor in Council, and subject to whatever regulations may be made for the establishment of such special settlement, a proportion, not exceeding one-half, of the lots of land set apart for any special settlement established by the said Board, to persons resident in Natal and being other than Immigrants introduced into the Colony by the Board for the purposes of such special settlement, anything to the contrary in the said "Land and Immigration Board Law, 1876," notwithstanding : Provided that no person shall be eligible for the grants as aforesaid, unless they are and have been for the preceding five years resi-

Land and Immigration Board.

dent within the Colony of Natal, and are of the full age of twenty-one years : Provided also, that the settlements established by the Land and Immigration Board at Umzinto and Umzinkulwana shall be, and the said settlements are hereby specially exempted from the operation of this Law.

Proviso.

2. The words "European Immigration," whenever they may occur in the said Law No. 21, 1876, shall, for the purposes of this Law, mean and be taken to refer to and include all persons of the description in the first Section of this Law mentioned.

Interpretation of expression, "European Immigration."

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be read and construed together with Law 21, 1876, as one Law.

Commencement of Law.

Given at Government House, Natal, this 8th day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. H. B. MITCHELL,
Colonial Secretary.

Voters' Roll.—Firearms.

LAW No. 1, 1885.

(Signed) HENRY BULWER.

To remove doubts as to the Voters' Roll for the Borough of Durban.

Preamble.

WHEREAS doubts have arisen as to the validity of the Voters' Roll for the Borough of Durban for the year ending the 31st day of August next, and it is necessary to settle such doubts :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

List of Voters for Borough of Durban legalised as the Voters' Roll for the year ending 31st August, 1885.

1. The Resident Magistrate of the Borough of Durban is hereby authorised and empowered to sign the List of Voters for the Borough of Durban, as published in the *Government Gazette* of 29th July, 1884, and to transmit such List so signed to the Field-Cornet for the said Borough, and such List of Voters shall be, and be deemed to be, the Voters' Roll for the Borough of Durban legally in force for the period of one year, commencing from the 1st day of September, 1884, and ending on the 31st day of August, 1885, in the same manner and for the same intents and purposes as if such Voters' Roll had been duly transmitted to the Field-Cornet, in terms of the 35th Section of the Charter, and had actually come into force on the said 1st day of December, 1884.

Commencement of Law.

2. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 6th day of July, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 2, 1885.

(Signed) HENRY BULWER.

To Amend the Law No. 17 of 1874.

Vide Law 4, 1884.

BE IT ENACTED by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

Officers in H. M. Service serving in Natal entitled, on departure from Colony by sea, to refund of duty paid on sporting guns imported or brought into the Colony for their own use.

1. Any Officer in Her Majesty's Service, now serving or who may hereafter serve on full pay in this Colony, who has imported or brought into Natal, or who may hereafter import or bring into this Colony, for his own use, any sporting gun or guns, and who may on his departure from this Colony by sea, take away any such sporting gun or guns so imported or brought into this Colony, shall, on application to the Collector of Customs, be entitled to receive, on his departure from this Colony by sea, the amount of Customs duty paid by him in respect of such sporting gun or guns so imported by him,

Firearms.—Durban Circuit Court.

2. This Law shall commence and take effect from and after the date of promulgation thereof in the *Natal Government Gazette*.

Commencement
of Law.

Given at Government House, Natal, this 8th day of August, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 3, 1885.

(Signed) HENRY BULWER.

To consolidate and amend the Laws relating to the Durban Circuit Court.

WHEREAS it is expedient to consolidate, and in certain particulars amend the Laws relating to the Durban Circuit Court :

Preamble.

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. The Laws specified in the Schedule hereto are hereby repealed, without prejudice to anything heretofore occurring that may have taken place or been provided for under or by such laws respectively.

Repeal of Laws.

2. There shall be a Durban Circuit Court held at Durban in the Months of February, April, June, August, October, and December in each year.

Durban Circuit
Court.

3. Such Court shall have a Circuit Court Jurisdiction under the Law No. 10, 1857, over and in respect of the counties of Durban, Victoria, Alfred and Alexandra : Provided always, that nothing in this Law contained shall (a) prevent another Circuit Court being appointed under the said Law 10, 1857, for any of the three last mentioned counties, singly or in any combination, but such appointment shall not prejudice the jurisdiction aforesaid of the said Durban Circuit Court, or (b) shall be deemed to give the said Durban Circuit Court any jurisdiction by way of appeal over or in respect of any such other Circuit Court.

Jurisdiction.

Other Circuit
Courts.

4. The said Durban Circuit Court and the Criminal Session thereat shall, save as herein otherwise provided, begin on the second Wednesday of each of the said months, except December, and in December on the first Wednesday thereof : Provided always, that, when in any year Easter Sunday shall occur on any day in April from the eleventh to the nineteenth both inclusive, the third Wednesday in such month, and if such Sunday shall occur on or after the twentieth day of such month, then the first Wednesday shall be substituted for the purposes of this Law for the second Wednesday aforesaid : Provided also, that if any Wednesday aforesaid shall be a public holiday, then the next preceding day not being such holiday, shall be substituted for the purposes of this Law for such Wednesday.

First day of
Durban Circuit
and Criminal
Session.

April Circuit.

Durban Circuit Court.

Earlier begin-
ning of Criminal
Sessions.

5. Whenever the Attorney-General shall, not less than fourteen days before what under this Law would otherwise be the first day of sitting of a Durban Circuit Court, cause the Registrar of the Supreme Court to be informed that from the amount of criminal business for such Circuit Court it is unlikely that such business can be finished during four days of the week in which such Circuit Court shall begin, then the Monday or Tuesday, if and as any Judge of the Supreme Court shall direct, next preceding the Wednesday, shall for the purposes of this Law be substituted for such Wednesday as the day for the beginning of such Circuit and Criminal Session.

Civil business.

6. Civil business for any such Durban Circuit Court shall be set down for hearing on the Monday, Tuesday, or Wednesday, next following the week in which such Circuit shall commence, and shall be taken when, and as capable of being heard in order as so set down, save so far as the Supreme Court may as to any case or cases have otherwise directed, or as to the Circuit Court Judge may seem fit: Provided always, that nothing herein contained shall be deemed to prevent the Circuit Court Judge's hearing Chamber business on any day during the Circuit, as he shall see fit: Provided also, that, save as the Circuit Court Judge shall otherwise direct, all criminal business for the Circuit shall be taken before any civil business so set down as aforesaid: Provided also, that the Circuit Court Judge may, on cause shown appearing to him to account for delay, authorise civil business being set down for any other day in such second week of the Circuit.

Duration of
Circuit.

7. No such Circuit shall last for more than twelve days, exclusive of Sundays and holidays, save as may be otherwise requisite for the purpose of disposing of cases duly set down for such Circuit.

Circuit not
beginning on
right day.

8. If it should happen that the Circuit Court Judge shall on any account be prevented from beginning any Circuit on the day herein provided for such beginning, then the next following day for which the said or some other Judge shall not be so prevented shall for the purposes of this Law be substituted for such other day.

Rules.

9. Nothing in this Law shall be deemed to affect the validity or to prevent the making of any rules in reference to the Durban Circuit Court not in conflict with any of the provisions of this Law.

Operation of
Law.

10. This Law shall be in operation on and after the tenth day of September, 1885.

SCHEDULE.

Schedule of Laws repealed by this Law :—

Law No. 9, 1866, Law No. 15, 1868, Law No. 9, 1878, Law No. 20, 1882, and Law No. 10, 1884.

Given at Government House, Natal, this 8th day of August, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Trade Marks.

LAW No. 4, 1885.

(Signed) HENRY BULWER.

To establish a Register of Trade Marks in Natal.

WHEREAS it is expedient to establish in this Colony a Register of Trade Marks : Preamble.

Be it therefore enacted by the Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. A Register of Trade Marks shall be established and kept by the Registrar of the Supreme Court, in the Office of the Registrar of the Supreme Court. Register of Trade Marks established.

2. The Registrar of the Supreme Court is hereby appointed and nominated Comptroller of Trade Marks. Comptroller of Trade Marks.

3. (1) The Comptroller may, on application by or on behalf of any person claiming to be the proprietor of a trade mark, register the trade mark. Application for registration.

(2) The application must be made in the form set forth in the first Schedule to this Law, or in such other form as may be from time to time prescribed, and must be left at or sent by post to the Office of the Registrar of the Supreme Court, in the manner hereinafter prescribed.

(3) The application must be accompanied by the number hereinafter prescribed of the representations of the trade mark, and must state the particular goods or class of goods in connection with which the applicant desires the trade mark to be registered.

(4) The Comptroller may, if he think fit, refuse to register a trade mark, but any such refusal shall be subject to appeal to the Governor in Council, and the Governor in Council may, if he thinks fit, hear the applicant and the Comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

4. Where registration of a trade mark has not been or shall not be completed within twelve months from the date of the application, by reason of default on the part of the applicant, the application shall be deemed to be abandoned. Limit of time for proceeding with application.

5. (1) For the purposes of this Law, a trade mark must consist of or contain at least one of the following essential particulars :— Conditions of registration of trade mark.

- (a) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner.
- (b) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark.
- (c) A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use.

Trade Marks.

(2) There may be added to any one or more of these particulars any letters, words, or figures, or combination of letters, words, or figures, or any of them.

Connexion of
trade mark with
goods.
Registration of
a series of
marks.

6. A trade mark must be registered for particular goods or classes of goods.

7. When a person claiming to be the proprietor of several trade marks, which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used, or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade marks, they may be registered as a series in one registration. A series of trade marks shall be assignable and transmissible only as a whole; but for all other purposes each of the trade marks composing a series shall be deemed and treated as registered separately.

Trade marks
may be regis-
tered in any
colour.

8. A trade mark may be registered in any colour, and such registration shall (subject to the provisions of this Law), confer on the registered owner the exclusive right to use the same in that or any other colour.

Advertisement
of application.

9. Every application for registration of a trade mark under this Law, shall, as soon as may be after its receipt, be advertised in the *Government Gazette*.

Opposition to
registration.

10. (1) Any person may, within two months of the first advertisement of the application, give notice in duplicate at the office of the Registrar of the Supreme Court, of opposition to registration of the trade mark, and the Comptroller shall send one copy of such notice to the applicant.

(2) Within two months after the receipt of such notice, or such further time as the Comptroller may allow, the applicant may send to the Comptroller a counter statement in duplicate of the grounds on which he relies for his application, and if he does not do so, shall be deemed to have abandoned his application.

(3) If the applicant sends such counter statement the Comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall require him to give security in such manner and to such amount as the Comptroller may require for such costs as may be awarded in respect of such opposition; and if such security is not given within fourteen days after such requirement was made, or such further time as the Comptroller may allow, the opposition shall be deemed to be withdrawn.

(4) If the person who gave notice of opposition duly gives such security as aforesaid, the Comptroller shall inform the applicant thereof in writing, and thereupon the case shall be deemed to stand for the determination of the Supreme Court of Natal.

Assignment
and transmis-
sion of trade
mark.

11. A trade mark when registered, shall be assigned and transmitted only in connection with the goodwill of the business concerned in the particular goods, or classes of goods, for which it has been registered, and shall be determinable with that goodwill.

Trade Marks.

12. Where each of several persons claims to be registered as proprietor of the same trade mark, the Comptroller may refuse to register any of them until their rights have been determined according to law; and the Comptroller may himself submit, or require the claimants to submit, their rights to the Supreme Court.

Conflicting claims to registration.

13. (1) Except where the Supreme Court has decided that two or more persons are entitled to be registered as proprietors of the same trade mark, the Comptroller shall not register in respect of the same goods, or description of goods, a trade mark identical with one already on the register with respect to such goods or description of goods.

Restrictions on registration.

(2) The Comptroller shall not register with respect to the same goods, or description of goods, a trade mark so nearly resembling a trade mark already on the register, with respect to such goods or description of goods, as to be calculated to deceive.

14. It shall not be lawful to register as part of or in combination with a trade mark any words the exclusive use of which would, by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in the Supreme Court of Natal, or any scandalous design.

Further restriction on registration.

EFFECT OF REGISTRATION.

15. Registration of a trade mark shall be deemed to be equivalent to public use of the trade mark.

Registration equivalent to public use.

16. The registration of a person as proprietor of a trade mark shall be *prima facie* evidence of his right to the exclusive use of the trade mark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive right of the trade mark, subject to the provisions of this Law.

Right of first proprietor to exclusive use of trade mark.

17. A person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of a trade mark, unless in the case of a trade mark capable of being registered under this Law, it has been registered under this Law.

Restrictions on actions for infringement.

REGISTER OF TRADE MARKS.

18. There shall be kept at the Office of the Registrar of the Supreme Court, a book called the Register of Trade Marks, wherein shall be entered the names and addresses of proprietors of registered trade marks, notifications of assignments and of transmissions of trade marks, and such others matters as may be from time to time prescribed.

Register of trade marks.

Trade Marks.

Removal of
trade mark
after fourteen
years unless fee
paid.

19. (1) At a time not being less than two months nor more than three months before the expiration of fourteen years from the date of the registration of a trade mark, the Comptroller shall send notice to the registered proprietor that the trade mark will be removed from the register unless the proprietor pays to the Comptroller before the expiration of such fourteen years (naming the date at which the same will expire) the prescribed fee : and if such be not previously paid, he shall at the expiration of one month from the date of the giving of the first notice, send a second notice to the same effect.

(2) If such fee be not paid before the expiration of such fourteen years, the Comptroller may, after the end of three months from the expiration of such fourteen years, remove the mark from the register, and so from time to time at the expiration of every period of fourteen years.

(3) If before the expiration of the said three months the registered proprietor pays the said fee, together with the additional prescribed fee, the Comptroller may, without removing such trade mark from the register, accept the said fee as if it had been paid before the expiration of the said fourteen years.

(4) Where after the said three months a trade mark has been removed from the register for non-payment of the prescribed fee, the Comptroller may, if satisfied that it is just to do so, restore such trade mark to the register on payment of the prescribed additional fee.

(5) Where a trade mark has been removed from the register for non-payment of the fee or otherwise, such trade mark shall, nevertheless, for the purpose of any application for registration during the five years next after the date of such removal, be deemed to be a trade mark which is already registered.

Fees for regis-
tration, &c.

20. There shall be paid, in respect of applications and registration and other matters under this Law, such fees as may be from time to time prescribed by the Governor in Council, and such fees shall be levied and paid to the account of the Colonial Revenue in such manner as the Governor in Council may from time to time direct. And the Governor, with the advice of his Executive Council, may from time to time make such Rules and Regulations, not inconsistent with the provisions hereof, as may appear to him to be necessary and expedient for carrying out the provisions of this Law, or for any purposes connected with this Law.

Governor in
Council may
make rules and
regulations.

Penalty for
describing non-
registered trade
mark as regis-
tered.

21. Any person who describes a trade mark to any article sold by him as registered which is not so registered shall be liable for every offence to a fine not exceeding five pounds.

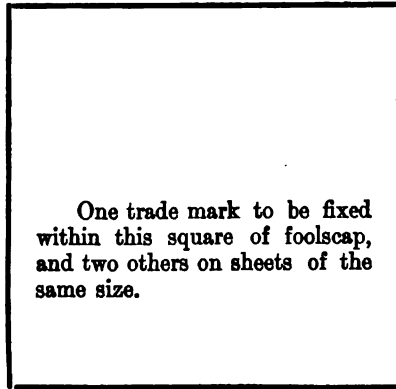
Commencement
of Law.

22. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Trade Marks.—Land and Immigration Board.

SCHEDULE.

FORM OF APPLICATION FOR REGISTRATION OF TRADE MARK.



You are hereby requested to register the accompany trade mark in the name of

who claims to be the proprietor thereof.

(Signature)

To THE COMPTROLLER,
REGISTRAR'S OFFICE, SUPREME COURT.

Given at Government House, Natal, this 17th day of August, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Law No. 5, 1884.

(Signed) HENRY BULWER.

To enable the Land and Immigration Board to regulate the Flow of Water over all Lands under their control or custody. *Vide Law 41, 1888.*

WHEREAS the Land and Immigration Board, constituted under the "Land and Immigration Board Law, 1876," are empowered to hold and acquire Lands for the settlement thereon of Immigrants, and whereas it is expedient to authorise and enable the said Board

Preamble.

Land and Immigration Board.

to regulate the flow of water over the said Lands, and also the use of said water by the persons occupying or in possession of the said Lands :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Land and Immigration Board to regulate supply of water over lands under their control, and empowered to construct water-courses, &c.

1. The said Land and Immigration Board shall have power to regulate the flow and supply of all water flowing over or through any and all the Lands acquired by, or vested in, the said Board, and the said Board are authorised and empowered to enter from time to time on any Land vested in, or under the control of, or alienated by the said Board, and to excavate, construct, and lay water-courses, water-pipes, sluices, dams, reservoirs, drains, or other water-works of every description, and to repair the same, and to take materials from any parts of the said Lands for the construction or repair of any of the said works.

Board to regulate supply to occupiers or owners of land.

2. The said Board shall have power to regulate the supply of water to all persons occupying or owning any of the said land, and to grant permission, under such conditions as the said Board may determine, to any of the said persons to lead out water from any water-course, sluice, or sluit for domestic purposes, and for the purposes of irrigation.

Board may make by-laws and levy rates.

3. The said Board may by By-laws make such charges for the use and supply of water, the construction and repair of all water-works, and generally levy over said lands all such rates as the said Board may require for the purposes of carrying out the provisions of this Law, and upon such basis of valuation as the said Board may from time to time determine.

Penalty for malicious damage to water-course, &c.

4. Whosoever shall unlawfully or maliciously cut through, break down, or otherwise destroy any dam, sluice, or water-work, or the banks of any water-course, constructed by or under the control of the Land and Immigration Board, shall be guilty of the crime of Malicious Injury to Property, and being convicted thereof, shall be liable to a penalty not exceeding Ten Pounds Sterling, or to imprisonment, with or without hard labour, for a period not exceeding Three Months.

Board may make by-laws and impose penalties for breaches thereof.

5. The said Board may from time to time make, alter, and amend such By-laws as it may deem expedient for carrying out any of the provisions or authorities conferred on it by this Law, and impose such penalties as it may think fit, not exceeding for each breach of such By-laws a sum of Five Pounds Sterling, and in default of payment, imprisonment, with or without hard labour, for any period not exceeding One Month.

By-laws and regulations to be sanctioned by Governor in Council.

6. No By-law, or Regulation made under this Law, shall have any effect until sanctioned by the Governor in Council.

Prosecutions, before what Court.

7. All prosecutions for any such contraventions may be instituted before the Resident Magistrate of the Division in which such Lands may be situated.

Land and Immigration Board.—Newcastle Local Board.

8. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*. Commencement of Law.

Given at Government House, Natal, this 17th day of August, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 6, 1885.

(Signed) HENRY BULWER.

To enable the Cemetery Committee for the Township of Newcastle to transfer the Cemetery to the Local Board.

WHEREAS on the Thirtieth day of June, 1881, the Government of the Colony of Natal issued a grant, in freehold, and thereby transferred to William Henry Beaumont, Resident Magistrate, Newcastle, Thomas Robinson Haddon, and John Whipp, both of Newcastle, in their capacity as a Cemetery Committee for the Township of Newcastle, and their successors in the said office, a certain piece of land in extent 2 roods 9 perches, being portion of the Town Lands of the Township of Newcastle, on the condition that the said piece of land should be used exclusively for the purposes of a Public Cemetery or Burial Ground and for no other purpose whatsoever : Preamble.

And whereas the trustee, John Whipp, has departed this life and the trustee, Thomas Robinson Haddon, has resigned his position as trustee as aforesaid :

And whereas the remaining trustee, William Henry Beaumont, is desirous of resigning his trust and of transferring the land so held in trust to the Local Board of the Township of Newcastle :

And whereas the Local Board have expressed their willingness to accept the trust on behalf of the inhabitants of Newcastle and all others interested in the said Cemetery :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof as follows :—

1. It shall be lawful for the Members of the Cemetery Committee for the Township of Newcastle, or for the continuing member thereof, William Henry Beaumont, acting for and on behalf of the Cemetery Committee, to resign and transfer the trust created by the Deed of Grant of 30th June, 1881, to and in favour of the Local Board of the Township of Newcastle, and the said William Henry Beaumont is hereby authorised and empowered to transfer to the Local Board of the Township of Newcastle without receiving any Transference
Newcastle
Cemetery to
Local Board.

Newcastle Local Board.—Disposal of Property.

payment therefor that piece of land transferred to the aforesaid Cemetery Committee and described in the Deed of Grant thereof of 30th June, 1881, as a certain piece of land named "Cemetery A," containing two roods and nine perches, being portion of the Town Lands of the Township of Newcastle in the Colony of Natal, bounded on all sides by Town Lands, as more fully appears from the diagram annexed to the said Deed of Grant: Provided that it shall be a condition of the said transfer that the said piece of land shall be reserved by the said Board and used exclusively for the purposes of a Public Cemetery or Burial Ground, and for no other purpose whatsoever, and that all funds requisite for the maintenance thereof as such Burial Ground shall be a charge upon and be provided for out of the Township funds.

Land to be used exclusively as a Public Burial Ground, and maintenance thereof charge upon Township funds.

Exemption from transfer dues, &c.

2. No transfer dues, fees of office, stamps or any other fees or charges whatsoever shall be payable to or claimable by the Registrar of Deeds in respect of, or in connection with, the transfer by this Law authorised.

Local Board authorised to make rules and levy burial fees.

3. The Local Board of the Township of Newcastle are hereby empowered to make such rules and regulations, and to levy such fees on burials in the Cemetery as will the better enable them to carry out the objects of the trust and to meet the costs and expenses incident thereto: Provided always, that such rules, regulations and fees shall be subject to the approval of the Governor in Council.

Rules to be confirmed by Governor in Council.

Commencement of Law.

4. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 17th day of August, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 7, 1885.

(Signed) HENRY BULWER.

To amend the Law as to Legitimate and other Legal Portions.

Preamble.

WHEREAS by the Laws or customs of this Colony, claims may be made by children or other relations so as to interfere with free disposal of property:

And whereas it is expedient that the inconvenience arising from such interference should be put an end to:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

No legitimate portion claimable of right.

1. No legitimate portion shall be claimable of right by any one out of the estate of any person who shall die after the taking effect of this Law.

Disposal of Property.—Master, Supreme Court.

2. In no case shall any heir of anyone dying after the taking effect of this Law be entitled to deduct out of the estate of the person so dying any portion under or by virtue of the Laws known respectively as the Falcidian and Trebellianic Laws, which, but for such Laws respectively, such heir would not be entitled to claim or deduct.

Heir not entitled to deduct any portion under Falcidian and Trebellianic Laws.

3. From and after the taking effect of this Law the Sixth Law of the Ninth Title of the Fifth Book of the Code of Justinian, commencing with the words *Hac Edictali*, and commonly called or known as the Law or *Lex Hac Edictali*, shall be and the same is hereby repealed, as regards the estate of any person dying after the taking effect of this Law.

Lex Hac Edictali repealed.

4. Every person competent to make a will shall have full power by any will executed after the taking effect of this Law to disinherit or omit to mention any child, parent, relative or descendant, without assigning any reason for such disinheritance or omission, any law, usage, or custom, now or heretofore in force in this Colony notwithstanding; and no such will as aforesaid shall be liable to be set aside as invalid, either wholly or in part, by reason of such disinheritance or omission as aforesaid.

Person making will may disinherit any child, &c., without assigning reason.

5. Nothing in this Law contained shall affect or alter the Laws of Inheritance *ab intestato* at present in force in this Colony.

Existing Laws of Inheritance *ab intestato* to remain in force.

6. This Law shall be in operation on and after the day next after that of the promulgation thereof in the *Natal Government Gazette*.

Operation of Law.

Given at Government House, Natal, this 23rd day of September, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 8, 1885.

(Signed) HENRY BULWER.

To amend Law 49, 1884, entitled Law "To provide for the payment to the Master of the Supreme Court of certain Moneys, and for the investment and disposal of the same."

WHEREAS it is desirable to amend Section 9 of the said Law 49, 1884, so as to limit the proportion of the moneys which may be invested thereunder upon the security of immovable property to one-half of the total sum invested under the said Law :

And whereas it is further desirable to amend Section 7 of the said Law, so far as it deals with the publication of lists of unclaimed moneys in the hands of the Master of the Supreme Court :

Master, Supreme Court.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Proviso to Sec.
9, Law 49, 1884.

1. The following proviso is hereby added to Section 9 of Law 49, 1884 : “ Provided also, that the loans secured upon the mortgage of immovable property shall not exceed one-half of the total sum invested under this Law.”

Sec. 7, Law 49,
1884, repealed.

2. Section 7, of Law No. 49, 1884, shall be and the same is hereby repealed, and the following two sections are hereby enacted in lieu thereof :

How list of un-
claimed moneys
in intestate
estates to be
advertised.

3. The Master of the Supreme Court shall, in the month of January in each year, prepare and publish for general information in the *Government Gazette*, and in one local newspaper, a list of all sums of money which, upon the preceding 31st day of December, shall have remained unclaimed in his hands for one year, and shall with such lists publish a notice calling upon all persons interested to present their claims to him : Provided that such list shall not include the moneys belonging to any minors, until one year after such minors shall have attained their majority.

In the case of
claimants resid-
ing out of the
Colony.

4. Should any of the persons having an interest in such unclaimed moneys be known, or supposed by the Master of the Supreme Court to be residing out of the Colony, so much of the aforesaid list of unclaimed moneys as refers to them shall also be published in the countries where such persons are known or are supposed to be then residing ; and whenever any such last-mentioned publication shall be found or appear to be necessary, the said Master shall prepare the lists for such publication, and shall (together with a notice calling upon the persons interested to present their claims to him) forward the same to the Colonial Secretary, who shall transmit the same for publication accordingly.

Law to be read
with Law 49,
1884.

5. This Law shall be read and construed together with the Law No. 49 of 1884 as one Law.

Operation of
Law.

6. This Law shall not come into operation unless and until the Officer administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same ; and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify by the same or any other Proclamation.

Given at Government House, Natal, this 28rd day of
September, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,

Colonial Secretary.

Cession of Action.

LAW No. 9, 1885.

(Signed) HENRY BULWER.

To amend the Law as to Cession of Action.

WHEREAS doubts exist as to how far persons under a liability not primary in nature can compel indemnification or contribution without a cession of action, and it is expedient to put an end to such doubts as far as may be :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. When any person is liable with any other person in respect of any obligation, then so far as the former shall have satisfied beyond his share such obligation he shall not be prevented from requiring contribution from any such other person by reason of his not having received cession of action, but shall have in respect thereof the like rights as he would have had if at the time of such his satisfaction he had obtained cession by or on behalf of the person so satisfied of action as a means for obtaining such contribution.

Cession of action not necessary for right of contribution.

2. Any person liable otherwise than primarily in respect of any obligation, and who has satisfied in whole or in part such obligation, without obtaining cession of action in respect of such satisfaction, shall not be prevented from requiring indemnity or repayment, or the like, from any person to or with him precedently or jointly liable, but shall have in respect thereof the like rights as he would have had if cession of action had been made to him at the time of such satisfaction, and by or on behalf of the person to or in respect of whom such satisfaction shall have been made, and as a means for obtaining such redress.

Nor for indemnity.

3. The foregoing sections shall respectively also apply to the case of any person paying or satisfying any charge on or against any property in whose value such person shall have an interest.

Nor for right to prior charge.

4. This Law shall apply to any case not by judgment or prescription or compromise or other agreement or acceptance or the like concluded before its coming into operation.

Application of Law.

5. Nothing in this Law contained shall be deemed to increase the effect of any cession of action or of any payment or satisfaction, save so far as may result from cession of action being made unnecessary.

Non-effect of Law.

6. This Law shall have operation on and after the day next following that of its promulgation in the *Natal Government Gazette*.

Operation of Law.

Given at Government House, Natal, this 23rd day of September, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Vaccination.

LAW No. 10, 1885.

(Signed) HENRY BULWER.

To Amend the Vaccination Law, 1882.

Preamble.

WHEREAS it is necessary to amend in certain particulars the provisions of the Law No. 3 of 1882, entitled "Law to make provision for, and render compulsory the practice of Vaccination within the Colony of Natal," and to make further provisions in reference to Vaccination :

Short title.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Law may be cited as the "Vaccination Law, 1885," and shall be construed as one with the "Vaccination Law, 1882," in this Law referred to as the principal Law, and these Laws may be cited together as the "Vaccination Laws, 1882 and 1885."

Penalty on parent neglecting to take child to be vaccinated or inspected.

2. Every parent of a child who shall neglect to take such child, or to cause it to be taken, to be vaccinated, or after vaccination to be inspected according to the provisions of the principal Law, and shall not render a reasonable excuse for his neglect, shall be guilty of an offence and be liable to be proceeded against summarily, and, upon conviction, to pay a penalty not exceeding Five Pounds Sterling.

Resident Magistrate may order child to be vaccinated, and impose penalty on parent neglecting to comply with order.

3. If any Registrar or any officer appointed to enforce or carry out the provisions of the principal Law, shall give information in writing to any Resident Magistrate that he has reason to believe that any child under the age of fourteen years, being within the jurisdiction of such Resident Magistrate, has not been successfully vaccinated, such Resident Magistrate may summon the parent of such child to appear with the child before him at a certain time and place, and upon the appearance, if the Resident Magistrate shall find, after such examination as he shall deem necessary, that the child has not been vaccinated nor has already had the small-pox, he may, if he see fit, make an order directing such child to be vaccinated within a certain time ; and if at the expiration of such time the child shall not have been so vaccinated or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall be proceeded against summarily, and unless he can show some reasonable ground for his omission to carry the order into effect shall be liable to a penalty not exceeding Twenty Shillings. Where any parent of a child fails to produce such child when required so to do by any summons as aforesaid, such parent shall be liable, on conviction, to a penalty not exceeding Twenty Shillings.

Penalty on parent failing to produce child in accordance with summons.

Certificate of child being unfit for or insusceptible of successful vaccination, how to be transmitted to Registrar of Births.

4. Every certificate of a child being unfit for or insusceptible of successful vaccination, if given by a District Vaccinator, shall, instead of being delivered by him to the parent, be transmitted by such District Vaccinator, and if given by any other medical practitioner, shall be transmitted by the parent of such child to the Registrar of Births, in like manner as if it was a certificate of

Vaccination.

successful vaccination, and within seven days after the examination of the child upon which such certificate is founded; and the District Vaccinator shall upon request, and without fee or charge, deliver to the parent a duplicate of any such certificate transmitted by him. Every certificate of successful vaccination shall be transmitted within seven days after it is ascertained that the operation has been successfully performed; and where a medical practitioner who is not a District Vaccinator inspects a child to ascertain the result of the operation of vaccination, such medical practitioner, as soon as he has ascertained that the operation has been successfully performed, shall deliver to the parent causing the child to be vaccinated a certificate of successful vaccination in the proper form, and duly filled up and signed by him. Every person who acts in contravention of or fails to comply with any provision of this section shall be liable, on summary conviction, to a penalty not exceeding Five Pounds Sterling; and every person who wilfully signs a false certificate or duplicate under this section shall be guilty of the crime of falsity. No fee shall be payable for the registration of any certificate of vaccination under the principal Law or this Law.

Certificate of successful vaccination.

Penalty for contravening this section.

False certificate.
No fee payable for registration of certificate.

5. Where a person is charged with the offence of neglecting to take or cause to be taken any child to be vaccinated, and on the defence made by such person it appears to the Resident Magistrate having cognizance of the case that such person is not guilty of such offence, but has been guilty of the offence of not transmitting any certificate required by the principal Law or this Law, with respect to the vaccination of such child, the Resident Magistrate may convict such person of the last mentioned offence in like manner as if he had been charged therewith.

Penalty for not transmitting certificate.

6. Where it appears to the District Vaccinator, upon personal examination of any child resident in his district who has not been successfully vaccinated by him, that such child has been successfully vaccinated, the District Vaccinator may, on the request of the parent of such child, grant a certificate to that effect, and such certificate shall be transmitted and have the same effect as if it were a certificate of successful vaccination by the District Vaccinator who gave the certificate.

District Vaccinator may grant certificate of successful vaccination, though child not vaccinated by him.

7. The term "parent," as used in the principal Law and this Law, shall include the father and mother of a legitimate child, the mother of an illegitimate child, and any person having the custody of a child.

Definition of "parent."

8. Any complaint may be made, and any information laid for an offence under the "Vaccination Laws 1882 and 1885," at any time not exceeding twelve months from the time when the matter of such complaint or information arose, and not subsequently.

Period within which prosecutions must be instituted.

9. Section 28 of the Vaccination Law, 1882, shall read as if the words "*Certificate marked C*" were substituted for the words "*Certificate marked B*" therein occurring.

Amendment of Section 28 of the "Vaccination Law, 1882."

Vaccination.—Customs.

Repeal of provisions of "Vaccination Law, 1882," inconsistent herewith.

Commencement of Law.

10. The provisions of the "Vaccination Law, 1882," in so far as the same are varied, altered, or amended by the provisions of this Law, shall be and the same are hereby repealed; and the said "Vaccination Law, 1882," and this Law shall be read and construed together as one Law.

11. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 23rd day of September, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 11, 1885.

(Signed) HENRY BULWER.

To Amend Customs Ordinance No. 6 of 1855.

Preamble.

WHEREAS it is expedient to facilitate the Exportation of Goods, the produce of this Colony, from places on the Coast of this Colony other than Port Natal, to places beyond the limits thereof, and to adopt such measures as may be necessary to regulate such Exportation :

And whereas it is expedient to amend Ordinance No. 6 of 1855, in reference to the Entry Outwards of Ships bound from Port Natal, and also the clearance of said ships and their cargoes for certain ports :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Clearance of ship taking Colonial produce from place on Coast other than Port Natal.

1. The Master of a ship desirous of taking in a cargo of goods known as Colonial produce, for some place beyond the limits of this Colony, and to load the same on board his ship at some place on the Coast of this Colony, other than Port Natal, shall enter his ship outwards for such first-named place in manner as provided by Section 29 of Ordinance 6, 1855.

Sufferance to take on board Colonial produce from such place.

2. The said Master shall then apply to the Collector of Customs for a sufferance to take on board Colonial produce, at a place to be named in such application, and the said sufferance may be granted on due entry being made for the exportation of the said produce.

Bill of entry outwards.

3. The exporter of any Colonial produce, or his known agent, shall make entry of such goods as provided for in Sections 58 and 59 of before-mentioned Ordinance, and at the same time shall give a guarantee to furnish to the Collector of Customs, within ten days of the actual shipment of such Colonial produce, the Bill of Lading, or what is known as the Mate's Receipt, shewing the exact number

Customs.

and description, with numbers and marks of the packages taken on board the exporting vessel, as named in the export entry. The said guarantee may be in the form of bond, cash deposit, or of such other security as the Collector of Customs may direct.

4. Before such ship as hereinbefore referred to shall depart for the place on the Coast where the cargo is to be shipped, and thence to the port of destination for which such ship was entered outwards, the Master or his duly accredited agent, shall deliver, or cause to be delivered, to the Collector of Customs a content, in writing under his hand, of the Colonial produce about to be laden on board at such first-mentioned place, with the marks and numbers of the packages, and the names of the respective Shippers and Consignees, and shall make and subscribe a declaration to the truth of such content, as far as any such particulars can be known to him.

Before departure of ship for place of shipment, Master to deliver content of cargo to Collector of Customs.

5. The said Master shall answer all questions concerning the ship's cargo, and the voyage as shall be demanded of him; and thereupon the Collector or other proper Officer of Customs shall give to the Master a Certificate of Clearance of his said ship for the intended voyage, together with permission to call at the place on the Coast where the said cargo is to be taken on board. If the said ship shall depart without such clearance, or if the Master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit a sum of One Hundred Pounds.

Certificate of clearance.

6. It shall be competent for His Excellency the Governor to cause to be notified from time to time the places on the Coast of the Colony to which the provisions of this Law are to be deemed applicable, and also to annul any such notice as to him may seem expedient or necessary.

Penalty on Master for departing without clearance, delivering false content, &c.

7. In the case of a ship being entered outwards from Port Natal, or from any places on the Coast authorised by this Law, for the Coast of any country or territory, and if in such country or territory there should be known to be a Port duly appointed by proper authority for the entry of all ships arriving at the Coast of such country or territory, then, and in that case, the Collector, or other proper Officer of Customs, may require the Master of the said ship so entering outwards to name such Port as the destination of his said ship, in lieu of, or in addition to, the place previously stated by him. If the Master refuses to name such Port as required so to do, then his ship shall be deemed not to be duly entered outwards as required by the Customs Ordinance.

Governor to notify places on Coast to which Law applicable.

When ship entered outwards for country where there is a duly appointed Port, Master may be required to name such Port as destination of his ship.

8. The content of the goods laden on board, required by Section 29 of the Ordinance, to be delivered by the Master before departure of his ship, in writing under his hand, shall also set forth the name of the Port hereinbefore required as the place of destination of said ship; and for this port the certificate of Clearance shall be made out and given to the Master, by the Collector or other proper Officer of Customs, as the clearance of his ship for the intended voyage.

Content of goods to set forth the name of such Port as ship's place of destination.

9. This Law may be cited as the Customs Ordinance Law, 1885, and shall be read and construed together with the Customs Ordinance, 1855.

Short title.

Customs.—Masters and Servants.

Commencement
of Law.

10. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 5th day of October, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 12, 1885.

(Signed) HENRY BULWER.

To amend and alter the Ordinance No. 2, 1850, entitled "Ordinance for regulating the relative rights and duties of Masters, Servants, and Apprentices."

BE it enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Sec. 2, Chap. IV,
Ordinance 2,
1850, amended.

Whipping only
to be inflicted
on males whose
age does not
exceed 16.

"Master" to
include Colonial
Government,
"Servant" to
include Natives
employed by
Colonial Govern-
ment.

Ordinance 2,
1850, and this
Law construed
together.

Commencement
of this Law.

1. Section 3 of Chapter IV. of the Ordinance No. 2, 1850, entitled "Ordinance for regulating the relative rights and duties of Masters, Servants, and Apprentices," shall hereafter be read and construed as if the following proviso were added thereto : Provided, however, that the punishment of whipping shall only be inflicted upon males whose age shall not exceed sixteen years.

2. The word "Master" in the said Ordinance shall include and mean the Colonial Government of Natal. The word "Servant" shall include and mean all Natives employed from time to time for hire on any description of work by or on behalf of the Colonial Government of Natal.

3. The said Ordinance No. 2, of 1850, and this Law, shall be read and construed together as one Law.

4. This Law shall commence and take effect from the date of promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 8th day of October, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Native Education.—Customs.

LAW No. 13, 1885.

Signed) HENRY BULWER.

To further amend The Native Primary Education Law of 1883. *Vide Law 28, 1883.*

WHEREAS it is desirable that the Council of Education should have the power to relax, in certain cases, if it is deemed advisable and necessary, the provisions of sub-section (d) of Section 5 of "The Native Primary Education Law of 1883":

Preamble.

And whereas it is further desirable to extend the limit of age from 15 years to 17 years in the case of boys attending schools in which industrial training is provided:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The following proviso shall be added to section 5 of "The Native Primary Education Law of 1883": Provided, however, that the Council of Education shall have the power, should it be deemed advisable and necessary, to relax by special resolution, the requirements of sub-section (d), in the case of any school established prior to the passing of this Law.

Proviso to Sec. 5 of "The Native Primary Education Law of 1883," as to industrial training.

2. The following proviso shall be added to section 7 of "The Native Primary Education Law of 1883": Provided, however, that the Council of Education may extend the limit of age from 15 to 17 years in the case of boys attending schools in which industrial training is provided.

Proviso to Sec. 7 of "The Native Primary Education Law of 1883."

3. This Law shall be read and construed together with the Law No. 1 of 1884, known as "The Native Primary Education Law of 1883," and the Law No. 17, 1884, altering and amending the same, as one Law.

This Law to be read with Laws 1 and 17, 1884.

4. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 19th day of October, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 14, 1885.

Signed) HENRY BULWER.

To provide for the levying of Customs Duties on Spirituous and Fermented Liquors imported across the inland border of the Colony.

WHEREAS it is necessary to make better provision for the levying of Customs Duties on spirituous and fermented liquors imported into Natal across the inland border of the Colony, and for that

Preamble.

Customs.

purpose to repeal and re-enact, with certain amendments, Law No. 15, of 1884, entitled Law "To provide for the levying of Customs Duties on spirituous and fermented liquors imported into the Colony of Natal from Inland Territories :"

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Law 15, 1884,
repealed.

1. The said Law No. 15, of 1884, shall be, and the same is, hereby repealed, save only and except so far as regards all offences against, and all penalties and forfeitures heretofore incurred under said Law No 15, of 1884, all which offences may be prosecuted, and all which penalties and forfeitures may be enforced, in the same manner as if this Law had not been passed, and save also and except so far as regards the Regulations issued under Section 2 of said Law, which, until revoked, altered, or amended under the provisions of this Law, shall be considered as Rules and Regulations framed hereunder.

Saving as to
Regulations
under Section 2
of said Law.

Duty on spirituous and fermented liquors imported across the inland border.

2. There shall be raised, levied, collected, and paid upon all spirituous and fermented liquors imported into Natal across the inland border, the same amount of duty as may from time to time be chargeable and leviable on spirituous and fermented liquors imported into the Colony seawards.

Customs Laws and Regulations, so far as applicable, to extend to spirituous and fermented liquors imported across the inland border.

3. All laws now or hereafter to be in force relating to the Customs and all regulations of the Customs shall, so far as the same are applicable, extend and apply to all spirituous and fermented liquors imported across the inland border of this Colony as fully and effectually as if such inland border were part of the high seas within one league of the coast of this Colony: Provided always, that the Governor may, from time to time, prescribe the several forms of bills of entry, reports, warrants, and other necessary documents, and frame such rules and regulations as may be necessary for the due and more convenient collection of duties payable on spirituous and fermented liquors imported across the inland border of this Colony: And any person who shall contravene any such rule or regulation shall be liable to a fine not exceeding One Hundred Pounds sterling, and in default of payment to imprisonment with or without hard labour for any period not exceeding six months, or to both such fine, and such imprisonment: And provided further, that the owner, driver, or other person in charge of any animal or vehicle, in or upon which any such spirituous or fermented liquors are so imported, shall, *mutatis mutandis*, be in the same position as the master of a vessel importing such spirituous or fermented liquors by sea.

Rules and Regulations, &c.

Penalty for contravention of any rule or regulation.

Forfeiture of spirituous and fermented liquors, with animals and vehicles conveying same.

4. If spirituous or fermented liquors liable to the payment of duties shall be imported by land into any part of this Colony, the Customs and other duties thereon not having been first paid or secured according to law, then such spirituous or fermented liquors, together with the animals and vehicles made use of in conveying the same, shall become forfeited, and shall be dealt with in such manner as may be provided by such Customs Laws as are already, or may

Customs.

hereafter be, in force in this Colony: Provided that nothing herein contained shall be taken to affect or remove any other penalty which shall be incurred under any other Law in force by such importation.

5. It shall be lawful for any Officer of Customs, Excise Officer, or Police Constable to search any wagon, cart, or other vehicle suspected of conveying any spirituous or fermented liquors contrary to the provisions of this or any other Law relating to the Customs, and in the event of the discovery of any spirituous or fermented liquors being so illegally conveyed as aforesaid, all such spirituous or fermented liquors, and all wagons, carts, or other vehicles, with the animals drawing the same, may be seized and secured by any such Officer of Customs, Excise Officer, or Police Constable, and dealt with in such manner as may be provided by such Customs Laws as are already or may hereafter be in force in this Colony: And every person who shall in any way hinder, oppose, molest, or obstruct any such officer when in the exercise of his office, or any person acting in his aid or assistance, shall, for every such offence forfeit a sum not exceeding One Hundred Pounds sterling, or suffer imprisonment for any period not exceeding six months.

Power of search
for suspected
contraband
liquors.

Penalty for
molesting or
obstructing
officers.

6. For the purpose of proceedings under this Law, and in connection with the importation of spirituous and fermented liquors into this Colony across the inland Border, Section 23, of Ordinance No. 6, 1855, shall read as follows: All penalties and forfeitures recovered in this Colony under this or any future Customs Law in force relating to the importation of spirituous and fermented liquors into Natal across the inland Border shall be paid into the hands of the Collector or Principal Officer of Customs, and shall be divided, paid, and applied as follows, that is to say: After deducting the charges of prosecution, if any, and of the costs of sale from the produce, one-third part of the nett produce shall be paid into the hands of the Collector, or Principal Officer of Customs, for the use of Her Majesty the Queen, in her Colonial Treasury, and one-third part to the person who shall have seized the matter or thing condemned, and one-third part to the person who shall have given such information as shall have led to such seizure.

Application of
Sec. 23 of Ord.
6, 1855, to pro-
ceedings under
this Law.

7. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Commencement
of Law.

Given at Government House, Natal, this 19th day of
October, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Durban Suburban Tramways.

LAW No. 15, 1885.

(Signed) HENRY BULWER.

For making Further Provision for the Service of the Year 1884.

LAW No. 16, 1885.

(Signed) HENRY BULWER.

For making Further Provision for the Service of the Year 1885.

LAW No. 17, 1885.

(Signed) HENRY BULWER.

For providing a Sum not exceeding £850,959 6s. 9d. for the Public Service of the Colony during the Year 1886.

LAW No. 18, 1885.

(Signed) HENRY BULWER.

To authorise and empower the Suburban Tramways Company, Limited, to construct Tramways along the Berea Road, Musgrave Road, and Musgrave Road Extension, Sydenham Road, Umbilo Road, and other roads and streets within the Town and Suburbs of Durban; and to work such Tramways with cars or carriages, drawn by animal power, or driven by steam or other motive power, for the conveyance of passengers and parcels.— To contract with the Town Council of the Borough of Durban for the use of the above streets and roads, and with the Durban Tramways Company, Limited, for the right of running cars or carriages over the lines of the said Durban Tramways Company, Limited.

Preamble

WHEREAS the facilities for passenger and parcels traffic, between the Town of Durban and the Suburbs thereof are insufficient and unsuitable for public requirements, and the Suburban Tramways Company, Limited, are willing to increase and improve the present facilities, and it is expedient to assist the objects of the said Company, and to authorise the construction and working, by the said Company, of Tramways, within the Town of Durban and the Suburbs thereof :

Be it therefore enacted by the Governor of the Colony of Natal, by and with the advice of the Legislative Council thereof, as follows :—

Short title

1. This Law may be cited as the "Suburban Tramways Law."

Durban Suburban Tramways.

2. For the purposes of this Law the terms hereinafter mentioned shall have the meanings hereinafter assigned to them, that is to say :—

Interpretation of terms.

“The Town Council” shall mean the Town Council of the Borough of Durban.

The term “Company” shall mean the Suburban Tramways Company, Limited.

“Borough” shall mean the Borough of Durban.

“Roadway,” “Street,” “Road,” shall mean the whole space reserved as such road, street, or roadway, and not only the hardened or formed portion of such “road,” “street,” or “roadway.”

3. The Company and the Town Council are hereby authorised to make contracts with each other, relating to the use by the Company of the streets and roads hereinafter mentioned, subject to the approval of the Governor in Council.

Company and Town Council authorised to make contracts.

4. The Company and the Durban Tramways Company, Limited, are hereby authorised to make contracts relating to the use by the Company of the lines of the said Durban Tramways Company, Limited.

Company and Durban Tramways Company authorised to make contracts.

5. The Company are hereby authorised to purchase, hire, or otherwise legally acquire, all such lands and buildings as may from time to time be found necessary for the purposes of the Company.

Company authorised to acquire lands and buildings.

6. The Company, subject to the consent of the Town Council, are hereby authorised to make and use tramways upon a safe and reasonable gauge, not exceeding four feet eight and a half inches, and in manner hereinafter described.

To make and use tramways.

7. The first section of the said tramways shall be as follows :— From the terminus of the lines of the Durban Tramways Company, Limited, in the neighbourhood of the West-End Railway crossing, along the Berea Road as far as the junction of the Musgrave and Berea Roads, and thence along the Musgrave Road as far as the junction thereof with the Sydenham Road.

Description of first section.

8. The Company may, should they hereafter desire to do so, from time to time, lay down and work tramways along the following other roads and streets, or portions thereof—that is to say :—

Other roads and streets along which Company may lay down and work tramways.

(a) From the junction of the Berea and Musgrave Roads along the Berea Road as far as the Berea Toll Bar.

(b) From the junction of the Musgrave and Sydenham Roads, along the Musgrave Road and Musgrave Road Extension.

(c) From the junction of the Berea and Umbilo Roads along the Umbilo Road.

(d) From the junction of the Musgrave Road and Sydenham Road along the Sydenham Road.

*Durban Suburban Tramways.***Proviso.**

Provided always that in every case the consent, in writing, of the Town Council shall be first obtained. And in the special case of the streets and roads mentioned in Sub-section c, the consent in writing of the said Durban Tramways Company, Limited, shall also be first had and obtained : Provided always, that the consent of the said Company shall not be withheld unless the said Company shall themselves be prepared within a reasonable period to lay down the tramways upon such streets and roads : Provided also, that in the event of the Company not having commenced to construct tramways upon any one of the routes above-mentioned within a period of three years from the date of the promulgation of this Law, the Town Council may by notice duly served, call upon the Company to construct such tramways, and should the Company not commence to construct such tramways within a period of one month from the date of the service of such notice, the Town Council shall be free to grant permission to any other person or Company having obtained the requisite authority to construct and work tramways upon such route, or themselves to construct and work such tramways.

Tramways to be laid on part of road approved by Town Council

Limitation of traffic.

9. Such tramways shall be laid down upon such part or side of the roadway as may be approved of by the Town Council.

10. The traffic upon such tramways shall be confined to passengers and parcels.

Tolls and charges to be levied.

11. The tolls and charges to be levied by the Company shall not exceed, for passengers, threepence a mile or fraction of a mile, and for parcels the rates specified in the Schedule to this Law annexed, without the sanction of the Governor in Council.

Powers to cease at expiration of prescribed period.

12. If the Company do not, within thirty months from the date hereof, complete the first section of the said tramways, and open it for public traffic ; or, if within twelve months from the date hereof the works are not commenced ; or, if the works having been commenced, are suspended without a reason sufficient, in the opinion of the Governor in Council, to warrant such suspension, then the powers hereby given to the Company for constructing tramways, executing such works, or otherwise in relation thereto, shall cease to be exercised unless the time is prolonged by the special direction of the Governor in Council, and thereupon so much of the said tramway as is then completed shall be dealt with, at the expense of the Company, in the manner provided in Section 21 of this Law, and as if the tramway had been opened.

Rails of tramways to be level with surface of road.

Certificates required.

13. Wheresoever the tramway shall be laid down, across, or along, the portion of any road or street actually used for traffic, the uppermost surface of the rails shall be on a level with the surface of the road ; and the tramways shall not be opened for public traffic until the same shall have been inspected, and certified to be fit for such traffic by an Engineer appointed by the Governor in Council.

Durban Suburban Tramways.

14. The Company may, from time to time, for the purposes of making, forming, laying down, maintaining, and renewing the proposed tramways or any part thereof respectively, open and break up any road, subject to the following regulations :—

Power to break up road.

- (a) They shall give to the Town Council notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up ; such notice to be given seven days, at least, before the commencement of the work.
- (b) They shall not open or break up or alter the level of any road, except under the superintendence and to the reasonable satisfaction of the Town Council, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work.
- (c) They shall pay all reasonable expenses to which the Town Council is put on account of such superintendence.
- (d) Where the carriage-way in or upon which any portion of the tramway is proposed to be formed or laid down is crossed by any railway or tramway on the level, any work which the Company may be empowered to construct, and which affects or in anywise interferes with such railway or tramway, or the traffic thereon, shall be constructed and maintained under the superintendence (at the cost of the Company) and to the reasonable satisfaction of the Government, person, Corporation, or Company owning such railway or tramway, unless in the case of the original construction of the tramway, after notice to be given by the Company seven days at least before the commencement of such work, such superintendence is refused or withheld.

15. When the Company have opened or broken up any portion of any road, they shall be under the following further obligations, viz. :—

Completion of works and re-instatement of road.

- (a) They shall, with all convenient speed, complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the tramway) fill in the ground and make good the surface, and to the satisfaction of the Town Council restore the portion of the road to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby.
- (b) They shall in the meantime cause the place where the road is opened or broken up to be fenced, and to be properly lighted at night.
- (c) They shall bear or pay all reasonable expenses of the repair of the road for six months after the same is restored as far as those expenses are increased by the opening or breaking up.

Durban Suburban Tramways.

If the Company fail to comply in any respect with the provisions of the present Section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Law, or to any other remedy against them) be liable to a penalty not exceeding Ten Pounds sterling; and to a further penalty, not exceeding Five Pounds sterling for each day during which any such failure continues after the first day on which such penalty is incurred.

Repair of part
of road where
tramway is laid.

16. The Company shall at their own expense at all times maintain and keep in good condition and repair, with such materials and in such manner as the Town Council shall direct, and to their satisfaction, so much of any road whereon any tramway belonging to them is laid as lies between the rails of the tramway, and where two tramways are laid in any road at a distance of not more than four feet from each other, the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway. If the Company abandon their undertaking or any part of the same, and take up any tramway or any part of any tramway belonging to them, they shall with all convenient speed, and in all cases within six weeks at the most (unless the Town Council otherwise consent in writing) fill up the ground and make good the surface, and to the satisfaction of the Town Council restore the portion of the road upon which such tramway was laid, to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work. And they shall in the meantime cause the place where the road is opened or broken up to be fenced, and to be properly lighted at night: Provided always that if the Company fail to comply with the provisions of this Section, the Town Council, if they think fit, may themselves at any time after seven days' notice to the Company, open and break up the road, and do the works necessary for the repair and maintenance or restoration of the road to the extent in this Section above mentioned, and the expense incurred by the Town Council in so doing shall be repaid to them by the Company.

Town Council
and Company
may contract
for repairing of
roads in which
tramways are
laid.

17. The Town Council, on the one hand, and the Company, on the other hand, may from time to time enter into and carry into effect, and from time to time alter, renew, or vary contracts, agreements, or arrangements with respect to the making and keeping in repair of the whole or any portion of any roadway of any road on which the Company shall lay any tramway, and the proportion to be paid by either of them of the expense of such making and keeping in repair.

Rights of
authorities and
companies, &c.,
to open roads.

18. Nothing in this Law shall take away or abridge any power to open or break up any road along or across which any tramway is laid, or any other power vested in the Town Council, or any other local body or authority, for any of the purposes for which such authority is respectively constituted, or in any Company, body, or person, for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas or water, or any tubes, wires,

Durban Suburban Tramways.

or apparatus for telegraphic or other purposes, but in the exercise of such power the Town Council, Company, body, or person shall be subject to the following restrictions, that is to say :

- (a) They shall cause as little detriment or inconvenience to the Company as circumstances admit.
- (b) Before they commence any work whereby the traffic on the Tramway will be interrupted, they shall (except in cases of emergency, in which cases no notice shall be necessary) give to the Company notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given thirty-six hours at least before the commencement of the work.
- (c) They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid.
- (d) Whenever for the purpose of enabling them to execute such work, the Town Council, Company, body, or person as aforesaid shall so require, the Company shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the Town Council, Company, body, or person, with all reasonable expedition.
- (e) Any Company, body, or person shall not execute such work so far as it immediately affects the tramway, except under the superintendence of the Company, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the progress of the work, and they shall execute such work at their own expense, and to the reasonable satisfaction of the Company: Provided that any additional expense imposed upon them by reason of the existence of the tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such tramway, shall be borne by the Company.

19. If any difference arises between the Company on the one hand, and the Town Council, or any gas or water company, or any Company, body, or person, to whom any sewer, drain, tube, wires or apparatus for telegraphic or other purposes may belong, or any other Company, on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him, or on their or his behalf or by the Company by virtue of this Law in relation to any tramway or work or in relation to any work or proceeding of the Town Council, body, Company, or person, or with respect to the propriety or the mode of execution of any work

*Difference
between Com-
pany and Town
Council, &c.*

Durban Suburban Tramways.

relating to any tramway or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the Town Council, body, Company, or person, concerned, or with respect to any other subject or thing regulated by or comprised in this Law, the matter in difference shall (unless otherwise specially provided by this Law), be settled by an Engineer or other fit person nominated as referee by the Governor in Council on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs: Provided always, that this Section shall not affect the right of the Town Council to withhold consent to the occupation or use by the Company of any street or road or portion thereof.

Power for Company to use carriages with flange wheels on their tramways.

20. The Company may use on their tramways carriages with flange wheels, or wheels suitable only to run on the prescribed rails, and subject to the provisions of this Law, the Company shall have the exclusive use of their tramways for carriages with flange wheels, or other wheels suitable only to run on the prescribed rail. The carriages used on the tramway shall be drawn by horses or other animals, or driven by steam or other motive power: Provided always, that the carriages of the Company running over the lines of the Durban Tramways Company, Limited, shall be drawn by animal power only. No carriage used on the tramway shall extend beyond the outer edge of the wheels of such carriage more than eleven inches on each side.

Tramways to be removed in certain cases.

21. If at any time after the opening of the said Tramways, or any portion thereof, the Company discontinue the working of the same for the space of one calendar month (such discontinuation not being occasioned by circumstances beyond the control of the Company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuation is proved to the satisfaction of the Governor in Council, the said Governor in Council, if he thinks fit, may by order declare that the powers of the Company in respect of such tramways, or the part thereof so discontinued, shall from the date of such order be at an end, and thereupon the said powers of the said Company shall cease and determine, unless the same are purchased by the Town Council in the manner by this Law provided. When any such order has been made, the Town Council may, at any time after the expiration of one month from the date of such order, under the authority of a certificate to that effect by the Colonial Secretary, remove the Tramway or part of the tramway so discontinued, and the Company shall pay to the Town Council the cost of such removal, and of the making good of the road by the Town Council, such cost to be certified by the Clerk for the time being of the Town Council, whose certificate shall be final and conclusive, and if the Company fail to pay the amount so certified within one calendar month after the delivery to them of such certificate, or a copy thereof, the Town Council may, without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the tramway, or part of

Durban Suburban Tramways.

tramway, so removed, either by Public Auction or Private Contract, and for such sum or sums, and to such person or persons as the Town Council may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the cost certified as aforesaid, and of the cost of sale, and the balance, if any, of the proceeds of the sale shall, subject to any other lien thereon, be paid over by the Town Council to the Company.

22. When any tramway hereby authorised has been opened for traffic for a period of six months, the Company may, with the consent of the Governor in Council and Town Council, sell, or lease, their undertaking to any person, persons, Corporation, or Company, or with the consent of the Governor in Council, to the Town Council, and when any such sale has been made, all the rights, powers, authorities, obligations, and liabilities of such Company, under this Law in respect of the undertaking sold, shall be transferred to, vested in, and may be exercised by, and shall attach to the person, persons, Corporation, or Company to whom the same shall have been sold, in like manner as if such tramway was constructed by such person, persons, Corporation, or Company, under the powers hereby conferred, and in reference to the same they shall be deemed to be the Company: Provided, that the Town Council shall not make any such purchase, except pursuant to resolution carried by three-fourths of the members at a meeting of the Town Council, specially convened on one month's notice, published in a local newspaper to consider such purchase.

Power of sale
or lease.

23. The Company may demand and take in respect of such tramways, tolls, and charges, not exceeding the sums mentioned in Section 11 of this Law, or in such schedule as the Governor in Council may hereafter substitute therefor, at the request of the Company, and a list of all tolls and charges authorised to be taken shall be exhibited in a conspicuous place inside and outside each of the Carriages used on the Tramway.

Tolls, &c.

24. The Town Council may make by-laws as to the following matters:—

By-laws of
Town Council.

- (a) The rate of speed to be observed in travelling upon the tramway.
- (b) The distances at which carriages shall be allowed to follow one after the other.
- (c) The stopping of carriages using the tramway.
- (d) The traffic on the road on which the tramway is laid.
- (e) The precautions to be adopted by the Company as regards brake power and warnings.

The Company may make regulations for preventing the commission of any nuisance in or upon any carriage or in or against any premises belonging to them, and for regulating the travelling in or upon any carriage belonging to them; and for better enforcing the observance of all or any of such regulations it shall be lawful for such Town Council and Company, respectively, to make by-laws for all or any of the aforesaid purposes, and from time to time repeal or alter

Company may
make certain
regulations.

Durban Suburban Tramways.

such by-laws and make new by-laws, provided that such by-laws be not repugnant to the Laws of the Colony, and that when made by the Town Council the enabling Law of that authority be duly complied with. Notice of the making by the Company of any by-law, under the provisions of this Law, shall be published by advertisement inserted once at least in each of two successive weeks in some one and the same newspaper published in Durban, and one at least in the *Government Gazette* of the Colony. A true copy of each by-law of the Company shall be sent to the Colonial Secretary and the Town Council respectively at least one month before such by-law shall come into operation, and no such by-law shall have any force or effect if disallowed by the Governor in Council within one month after such projected by-law shall be laid before the Governor in Council. By-laws of the Town Council shall be capable of enforcement in the same way as any other by-law duly passed by that authority. Any by-law made by the Company may impose reasonable penalties for offences against the same, not exceeding forty shillings for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence ten shillings for every day during which the offence continues, and such penalties shall be recoverable at the suit of the Company with costs in cases where the contravention is proved.

Power to Town Council to license drivers, conductors, &c.

25. The Town Council shall have the like power of making and enforcing rules and regulations, and of granting licenses with respect to all carriages using the tramway, and to all drivers and conductors, and other persons having charge of or using the same, and to the standings for the same, as they are or may be for the time being entitled to make, enforce, and grant in respect of vehicles not propelled on a tramway. No person shall be entitled to carry, or require to be carried, on any tramway any goods which may be of a dangerous nature; and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the Secretary or other servant of the Company with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding Twenty Pounds sterling for every such offence; and it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for bringing dangerous goods on the tramway.

Penalty for persons using tramways with carriages with flange wheels, &c.

26. If any person not connected with the Company uses the tramway, or any part thereof, with carriages having flange wheels or other wheels suitable only to run on the rails of such tramway, such person shall, for every such offence, be liable to a penalty not exceeding Twenty Pounds sterling.

Company responsible for all damages.

27. The Company shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of any of their works or carriages, and shall save harmless all road and other authorities, companies, or bodies, collectively

Durban Suburban Tramways.

and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

28. All tolls, penalties, and charges under this Law, or under any by-law made in pursuance of this Law, may be proceeded for in the case of the Town Council in the same manner as is applicable to contraventions of ordinary municipal by-laws, and in the case of the Company by suit in the Magistrate's Court, at the instance of the Company.

Recovery of
tolls, penalties,
&c.

29. Notwithstanding anything in this Law contained, the Company shall not acquire, or be deemed to acquire, any right other than that of user of any road along or across which they lay any tramway, nor shall anything contained in this Law exempt them from the payment of tolls levied on vehicles using any turnpike road over which the Company's tramway may be laid.

Right of user
only.

30. Nothing in this Law shall take away or affect any power which the Town Council, or the owner, commissioners, under-takers, or lessees of any railway or tramway may have by Law to widen, alter, divert, or improve any road, railway, or tramway.

Reserving
powers of Town
Council, owners,
&c.

31. Nothing in this Law shall limit the powers of the Town Council or Police in any district to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such authority or Police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Company as to the traffic of other persons.

Power of Town
Council or
Police to regu-
late traffic on
roads.

32. Nothing in this Law, or in any by-law made under this Law, shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid whether on or off the tramway with carriages not having flange wheels, or wheels suitable only to run on the rails of the tramway.

Reservation of
right of public
to use roads.

33. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement
of Law.

SCHEDULE.

- (a) Any one parcel not exceeding 14lbs. in weight, carried by any passenger, shall be free of charge.
- (b) On all other parcels not exceeding 14lbs. in weight, the Company shall be entitled to charge sixpence for each parcel.
- (c) Provided that the Company shall not be compelled to carry, for hire, any parcel of greater weight than 14lbs.

Given at Government House, Natal, this 19th day of October, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

Stamps.

LAW No. 19, 1885.

(Signed) HENRY BULWER.

To Amend the Road Board Law, 1883.

Repealed by Law 36, 1888.

LAW No. 20, 1885,

(Signed) HENRY BULWER.

*To amend the License and Stamp Law, 1885.*Amended by
Laws 51, 1887,
and 33, 1888.

Preamble.

WHEREAS it is advisable to amend in certain particulars the provisions of the " License and Stamp Law, 1835."

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Stamping of un-
stamped or
insufficiently
stamped instru-
ment executed
out of Natal.

1. Any unstamped or insufficiently stamped instrument requiring to be stamped, under the provisions of the License and Stamp Law, 1885, or of this Law, and which has been first executed at any place out of the Colony of Natal, may be stamped after it has been received in this Colony, provided that the date of its receipt in this Colony shall be, and be deemed for the purposes of this Law to be, the date of its execution.

Penalty for
giving un-
stamped receipt
or refusing to
give receipt, &c.

2. If any person

- (1) Gives any receipt liable to duty and not duly stamped ;
- (2) In any case where a receipt would be liable to duty refuses to give a receipt duly stamped ;
- (3) Upon a payment to the amount of Two Pounds or upwards gives a receipt for a sum not amounting to Two Pounds, or separates or divides the amount paid with intent to evade the duty ;

he shall forfeit the sum of Twenty Shillings.

Decision of Dis-
tributor of
Stamps, appeal
against.

3. Whenever the Distributor of Stamps shall have determined any point as provided for by Section 32 of the said License and Stamp Law, any authority or person interested may require the said Distributor of Stamps to submit in writing the point so determined for the ruling thereon of a Judge of the Supreme Court : Provided always that such authority or person may bring any such determination or ruling, whether under this section or under the said 32nd Section, before the Supreme Court by way of appeal by motion on notice for final decision.

Adhesive stamps,
either postal or
revenue, may be
used.

4. All such stamp duties as are imposed under and by virtue of the provisions of the License and Stamp Law, 1885, or of this Law may, from and after the date of the commencement of this Law, be denoted in all cases by adhesive stamps, either postal or revenue, and all and any of the provisions of the above cited Law which are in conflict with the provisions of this Section shall be and the same are hereby repealed.

Stamps.

5. Nothing in this Law contained shall require any person who acts as an attorney, conveyancer, interpreter, land surveyor, medical practitioner, civil engineer, or architect, or in any other profession or calling, in which he may be solely and exclusively engaged and employed in the course of his duty by the Colonial Government or any public department thereof, to pay a stamp duty upon any annual license for the exercise of such his profession or calling, whilst so solely and exclusively employed. This exemption shall extend to any person solely and exclusively engaged and employed in the course of his duty by the Natal Government Railways, the Land and Immigration Board, the Harbour Board of Natal, and the Indian Immigration Trust Board of Natal in any such profession or calling.

Professional men and others exclusively employed by Colonial Government exempted from payment of stamp duty on annual license.

Boards included in this exemption.

6. Schedule A of the License and Stamp Law, 1885, shall be, and the same is hereby, amended in the following particulars, and in so far as the provisions of the said Schedule A are in conflict with the provisions of this Law they are hereby repealed.

Schedule A of the License and Stamp Law, 1885, amended.

- (a) The stamp on a license to a retail wine and spirit dealer in the Town of Pietermaritzburg or Durban, or at any place within three miles of either of said towns, when granted for a period of six months shall be £5 instead of £7 10s., and the said Schedule shall be amended accordingly :

Retail wine and spirit dealers in the Towns of Pietermaritzburg and Durban.

And whereas several licenses have been issued to retail wine and spirit dealers in the Town of Pietermaritzburg and Durban, and at other places within three miles of the said towns, for the first six months of the year 1884, and the stamp duty charged thereon has been at the rate of £7 10s. : Be it therefore enacted, that every retail wine and spirit dealer so licensed as aforesaid under the provisions of the License and Stamp Law, 1885, for the first six months of the year 1885, shall, if otherwise entitled to a fresh license for the remaining six months of the year 1885, be entitled to ask for and obtain the same on payment therefor of an additional sum of £2 10s., so that the payment of the two half yearly licenses shall not for the year 1885 exceed the sum of £10 sterling.

- (b.) The stamp on the annual license to be taken out by a Joint Stock Company having a place of business or office in Natal, and carrying on any kind of business shall be as follows :—

Joint-stock Companies.

When the paid-up capital of the Company is £10,000 or under, a fixed sum or duty of £10.

When the paid-up capital of the Company is over £10,000, and not exceeding £25,000, a fixed sum or duty of £20.

When the paid-up capital of the Company is over £25,000, and not exceeding £50,000, a fixed sum or duty of £30.

When the paid-up capital of the Company is over £50,000, a fixed sum or duty of £50.

Provided that the annual license payable by any Insurance Company shall under the foregoing scale in no case exceed £25, when such Company shall prove that the total receipts of the Company within this Colony do not exceed £1,000 per annum.

Joint Stock Banking Companies with a paid-up capital of over

Stamps.

£50,000, and issuing bank notes, shall pay an additional annual duty of £25.

Provided that Building Societies regulated under the provisions of the Law No. 12, 1858, Friendly Societies established under the provisions of the Law No. 20, 1862, and Joint Stock Companies in liquidation, under the provisions of the Winding-up Law of 1866, shall be exempt from the payment of any such stamp or duty, and shall not require to take out any such animal license. The foregoing stamp duty shall be chargeable, collected, and paid for the year commencing 1st January, 1885, and every subsequent year: Provided that the item "Insurance Companies' Annual License, £25," and the next item, "Joint Stock Companies," and the words, "for every additional capital of £10,000 or portion of £10,000, £5," in Schedule A of the License and Stamp Law, 1885, be, and they are hereby, repealed.

The directors of any such Company, or the manager, should there be no directors, shall upon a request in writing by the Distributor of Stamps, certify the amount of the paid-up capital of such Company for the time being. Should any such director or Manager refuse or neglect to certify such amount, the Distributor of Stamps shall be entitled to estimate the paid-up capital of such Company at whatever amount he shall, from the information within his reach, judge to be sufficient, and calculate the sum payable for a license according to such amount, and such amount shall be recovered as aforesaid.

(c) The following proviso shall be added to paragraph 1 of the Schedule A :

Persons trading in Towns or Townships to produce license or authority granted by Corporation or Local Board.

Provided further, that the person so appointed to issue the above-mentioned licenses shall not issue, grant, or deliver any license to any person or persons to exercise or carry on any other trade, calling, or business in the Towns of Pietermaritzburg or Durban, or in any of the Townships duly proclaimed as such under the provisions of the Law No. 11 of 1881, in reference to which trade, calling, or business the Towns or Townships are already, or hereafter may be, authorised and empowered to levy duties and issue licenses, until such person or persons shall produce the license or authority granted to him, her, or them, in due form of law, by or under the authority of the Corporations or Local Boards of the said Towns or Townships, to carry on or exercise any such business for the full period for which a license is required and demanded, and stamp duty is imposed under the provisions of this Law : Provided, however, that nothing herein contained shall authorise the carrying on or exercise of any such aforesaid trade, calling, or business, until such license, as is by this Law required, has been taken out.

License confined to particular premises for which granted.

(d) Every license to be granted as aforesaid, is to specify the proper Christian name and surname and place of abode of the person to whom the same is granted, and is to contain a true description of the particular office, house, shop, or premises, in or at which he is by such license authorised to carry on or exercise any of the above-mentioned professions, trades, or callings, in or at any office, house, shop,

Stamps.

or place not specified and described in his license. And in each such license not more than one office, house, shop, or premises shall be described or specified: Provided that nothing herein contained shall be held to prohibit duly licensed auctioneers from holding special sales.

Provide as to
auctioneers
holding special
sales.

(e) [*Vide* Law 33, 1888, Section 1.]

(f) The paragraph numbered fifteen of the Schedule A, of the License and Stamp Law, 1885, shall be and the same is hereby repealed, and the following words shall be inserted in lieu thereof: "The term carriage means and includes any vehicle upon springs, drawn by horses, mules, asses, or oxen, or drawn or propelled upon a road or tramway or elsewhere than upon a railway, by steam or electricity or any other mechanical power. But any such carriage used solely for the conveyance of any goods or burden in the course of the owner's trade or husbandry, and not used to carry goods for hire, and whereon the Christian name and surname and place of abode or place of business of the owner, or the name or style and principal or only place of business of the company or firm owning the same, shall be visibly and legibly painted in Roman Capital letters of not less than one inch in height, and of a proper and proportionate breadth, shall be exempt from the duty payable on carriages."

Carriage
licenses.

7. There shall be added to and incorporated with the Schedule E of the License and Stamp Law, 1885, the following item:—

Stamp on
Notarial Acts
not otherwise
provided for.

For every Notarial Act of any kind whatsoever not s. d.
required to be otherwise stamped (except the
noting of a bill of exchange or promissory note) 1 0

8. That Item 5 of Schedule K of the License and Stamp Law, 1885, be, and the same is, hereby amended.

Item 5, Schedule K, License and Stamp Law, 1885, amended.

9. The phrase, "All Contracts, agreements, and other deeds reduced to writing, and not elsewhere specially provided for" in Schedule K of the "License and Stamp Law, 1885" contained shall be deemed to include among other instruments each policy of insurance, marine, fire and life. The term policy includes every writing whereby any contract of insurance is made, or agreed to be made, or is evidenced. The stamp duty upon all contracts, agreements, and other deeds reduced to writing, and not elsewhere provided for shall be the fixed sum of One Shilling, which shall be denoted by the affixing of an adhesive stamp of that value on the original document which said stamp shall be defaced by the person executing such contract, agreement, or other deed at the date of the execution thereof: Provided, however, that the following exemptions shall be, and the same are, hereby allowed:—

Definition of phrase, "All contracts, agreements, &c." in Schedule K of the "License and Stamp Law, 1885."

Exemptions.

(a) Agreements or contracts the matter whereof is not of the value of £5.

(b) Agreements or contracts for the hire of any labourer, artificer, or menial servant.

Stamps.

(c) Agreements made for, or relating to, the sale or carriage of goods, wares, merchandise, or live stock.

Definition of term "receipt."

10. The term "receipt" means and includes any note, memorandum, or writing whatsoever, whereby any money amounting to two pounds or upwards, or any bill of exchange or promissory note for money amounting to two pounds or upwards, is acknowledged or expressed to have been received, or deposited, or paid, or whereby any debt or demand of the amount of two pounds or upwards is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgement, and whether the same is or is not signed with the name of any person.

Additional exemptions to Schedule 1, of the "License and Stamp Law, 1885."

11. The following exceptions are hereby added to the Schedule L of the License and Stamp Law, 1885 :—

Acknowledgement by any banker of the receipt of any bill of exchange or promissory note for the purpose of being presented for acceptance or payment.

Receipt written upon any bill of exchange or promissory note duly stamped.

Receipt, endorsed or otherwise, written upon or contained in any instrument liable to stamp duty, and duly stamped, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured or therein mentioned.

Receipt written upon any post office order for the payment of money.

Draft or order drawn upon any bank by an officer of a public department of the Colony for the payment of money out of a public amount.

Draft or order drawn upon any bank by an officer of the Natal Government Railways, the Land and Immigration Board, the Harbour Board of Natal, and the Indian Immigration Trust Board of Natal.

Receipt upon the usual vouchers for the salaries paid to the officers of the several establishments of the Natal Government Railways, the Land and Immigration Board, the Harbour Board of Natal, and the Indian Immigration Trust Board of Natal.

Bank notes need not be stamped.

This Law to be read with the License and Stamp Law, 1885.

12. This Law shall be read and construed together with the License and Stamp Law, 1885, as one Law, and such of the provisions of the said License and Stamp Law, 1885, as are in conflict with the provisions of this Law shall be and the same are hereby repealed.

Commencement of Law.

13. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 19th day of October, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary,

Assistant Administrators of Native Law.

LAW No. 21, 1885.

(Signed) HENRY BULWER.

*To provide till the expiration of the Year 1886, for the Management and Working of the Natal Government Railways.*Expired on 31st December, 1886. *Vide* Law 20, 1887.

LAW No. 22, 1885.

(Signed) HENRY BULWER.

To enable the Governor to appoint Assistant Administrators of Native Law within the Colony of Natal.

WHEREAS it is expedient for the more speedy and effectual Administration of Justice in Civil Cases between Natives, that the Governor should be empowered to appoint Assistant Administrators of Native Law, within such Districts as may now or hereafter be determined under the provisions of "The Native Administration Law, 1875 :"

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. It shall be lawful for the Governor for the time being to appoint persons of European descent, who shall be called Assistant Administrators of Native Law, to preside and exercise authority over and to administer justice among Natives living under Native Law within such districts as may have been or may hereafter be determined, under Section 2 of "The Native Administration Law, 1875," and the Governor shall have power to remove such Assistant Administrators of Native Law, and to appoint others in their stead. Such Assistant Administrators of Native Law shall hold office during pleasure.

Appointment of Assistant Administrators of Native Law.

2. Every Assistant Administrator of Native Law so appointed shall exercise the same jurisdiction, and have all the powers and authorities vested in the Administrator of Native Law of the district by "The Native Administration Law, 1875," and any rules framed under the provisions of the tenth Section of the said Law : Provided, however, that no jurisdiction, powers, or authorities hereby conferred on any Assistant Administrator of Native Law shall in anywise abrogate or curtail the jurisdiction, powers, or authorities vested in any Administrator of Native Law appointed under "The Native Administration Law, 1875," aforesaid, who shall continue to exercise such jurisdiction, powers, and authorities within this district, notwithstanding any appointments made under this Law.

Powers of Assistant Administrators of Native Law.

3. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, 19th day of Natal, the October, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,

Colonial Secretary.

Destruction of Wild Animals.—Gratuity to Mrs. Kretzschmar.

LAW No. 23, 1885.

(Signed) HENRY BULWER.

For providing a sum not exceeding £7,002 for superintending the Construction and Maintenance of the Ladysmith Extension of the Natal Government Railway during the years 1885 and 1886.

LAW No. 24, 1885.

(Signed) HENRY BULWER.

To amend Law No. 23, of 1884.

Preamble.

WHEREAS it is expedient to amend the Law "To prevent the indiscriminate destruction of certain valuable Wild Animals within the Colony of Natal :—

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Schedule A of
Law 23, 1884,
amended.

1. Schedule A of Law 23, of 1884, shall be and is hereby amended by the addition of the following words, "Save wild duck in the Counties of Weenen and Klip River."

Commencement
of Law.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 19th day of October, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 25, 1885.

(Signed) HENRY BULWER.

To enable the Indian Immigration Trust Board of Natal to grant from the Medical Fund a sum of money to Ellen Ann Kretzschmar, widow of Dr. Kretzschmar, late Medical Officer for the Verulam Indian Circle.

Preamble.

WHEREAS the Indian Immigration Trust Board of Natal is desirous of granting from the Medical Fund, formed by the contributions of employers of Indian Immigrants under the provisions of Section 2 of Law 14, 1875, a sum of Two Hundred Pounds Sterling, by way of a gratuity, to Ellen Ann Kretzschmar, widow of Dr. Kretzschmar, late Medical Officer for the Verulam Indian Circle, in recognition of the long and meritorious services rendered by her late husband :

Gratuity to Mrs. Kretzschmar.

And whereas no provision is made for the payment of such a gratuity out of the Medical Fund aforesaid, and it is therefore necessary to pass a Law to enable the Indian Immigration Trust Board of Natal to pay the said sum of Two Hundred Pounds Sterling from the Medical Fund aforesaid :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Indian Immigration Trust Board of Natal is hereby authorised and required to pay to the said Ellen Ann Kretzschmar, the sum of Two Hundred Pounds Sterling out of the fund formed by the contributions of employers of Indian Immigrants, in terms of Section 2 of Law 14, 1875, and commonly known as the Medical Fund.

Payment of
£300 out of
Medical Fund
authorised to
Ellen Ann
Kretzschmar.

2. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Commencement
of Law.

Given at Government House, Natal, this 19th day of October, 1885.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,
Colonial Secretary.

LAW No. 26, 1885.

(Signed) HENRY BULWER.

To encourage the search for Gold and other Minerals.

Repealed by Law 17, 1887.

LAW No. 27, 1885.

(Signed) HENRY BULWER.

For the better regulation of the Volunteer Force in the Colony of Natal.

Repealed by Law 19, 1888.

LAW No. 28, 1885.

(Signed) HENRY BULWER.

To Amend the Natal Bank, 1875.

Repealed by Law 43, 1888.

Natal Consolidated Stock.

LAW No. 1, 1886.

(Signed) A. E. HAVELOCK.

*To provide for the creation of Natal Consolidated Stock.**Vide Law 21, 1887.*

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. The short title of this Law shall be the “Natal Consolidated Stock Law, 1886.”

Governor in Council empowered to enter into arrangements for conversion of Sinking Fund bearing securities into Natal Consolidated Stock without a Sinking Fund.

2. The Governor in Council, notwithstanding any provision in any Law authorising the raising of any public loans for public purposes, whereby it is required that any sum shall be set apart out of the general revenue of the Colony to be invested as a sinking fund, is hereby authorised to initiate and enter into arrangements with the holders of any such existing sinking fund bearing securities, whereby such securities may be converted into Natal Consolidated Stock, for which no payment from the general revenue to form a sinking fund shall be required.

Powers of Governor in Council.

3. The Governor in Council shall have, and may exercise for the purposes of this Law, the following powers or authorities, or any of them :—

May declare Natal Loans convertible into Consolidated Stock. Provides for the creation, exchange, and conversion of stock.

- a. He may from time to time declare all or any of the Natal Loans, for the redemption of which a sinking fund has been invested or created, whether existing in the form of stock or debentures or other securities, to be convertible into Consolidated Stock of such denomination, with such interest, not exceeding four per centum per annum, and on such conditions as he may before the creation thereof from time to time determine.
- b. He may authorise the creation and sale of any such Consolidated Stock for the purpose of raising money for redeeming any such outstanding Sinking Fund bearing securities, held for such Loans as may be necessary.
- c. He may authorise the creation and issue of such an amount of Consolidated Stock in exchange for the Sinking Fund bearing securities held for such loans as may be necessary, and paying any expenses in the creation of Consolidated Stock, and otherwise carrying out the provisions of this Law on such conditions as he may determine.

Added to by Law 21, 1887, Sec. 1.

Mode in which conversion may be effected.

4. Any conversion so authorised may be effected either by arrangement with the holders of existing securities, or by purchase thereof out of moneys raised by a sale of new Consolidated Stock, or partly in one way and partly in the other.

Powers conferred on Governor in Council may be exercised from time to time.

5. Any power by this Law conferred on the Governor in Council may be exercised from time to time, and he may alter any conditions as often as occasion may require, but so that no contract or engagement entered into before the exercise of any such power, or the making of such alterations, shall be prejudiced or affected thereby.

Natal Consolidated Stock.

6. Nothing in this Law contained shall authorise an increase of the capital or of the annual charge of any Sinking Fund bearing Loan, except that where any such securities exchanged for new Consolidated Stock bear a higher rate of interest than the new Consolidated Stock, an additional amount of new Consolidated Stock may be created and issued to make up the difference in saleable value between the aforesaid securities and the new Consolidated Stock.

Law not to affect capital or annual charge of any Loan save in case of securities bearing a higher rate of interest.

Vide Law 21, 1887, Sec. 3.

7. All existing Loans converted under the provisions of this Law into such Consolidated Stock, and interest thereon, and all charges and expenses incurred in carrying out the provisions of this Law, or any agreement made in pursuance thereof, shall be chargeable upon, and payable out of, the Revenue and Assets of the Colony.

Stock converted and expenses charged on Revenue and Assets of the Colony.

8. The Governor, with the approval of the Secretary of State, may from time to time enter into such agreement with the Crown Agents as to the Governor may seem fit, providing for all or any of the following things :—

Governor may enter into agreement with Crown Agents for inscription, management, &c., of Stock.

- (1.) For inscribing Consolidated Stock in the books of such Agents.
- (2.) For managing the creation, inscription, and issue of Consolidated Stock.
- (3.) For effecting the conversion of Loans into Consolidated Stock, and managing transfers thereof.
- (4.) For paying interest on Consolidated Stock.
- (5.) For issuing Consolidated Stock certificates to bearer, and, as often as occasion shall require, re-issuing or re-inscribing Consolidated Stock, and re-issuing Consolidated Stock, certificates.
- (6.) Generally conducting all business connected with Stock or Loans.
- (7.) And for the remuneration of such Agents in respect of any such agreements.

9. The Debentures issued under any of the Laws enumerated in the Schedule to this Law annexed, and exchanged or otherwise converted into new Consolidated Stock under this Law shall be forthwith cancelled by the Crown Agents, and the trustees appointed by the Section 12 of the Consolidated Loan Law, 16, 1871, and the trustees of the Sinking Funds appointed under other the Laws enumerated in the Schedule hereto, shall determine what amount of the Sinking Fund held by them and created for the repayment of such Debentures, or other form of securities, shall be released, and in the determination of such question the aforesaid trustees shall take into consideration the value of the whole investments held by them on account of such Sinking Funds, the amount of debt remaining in charge on each such Sinking Fund, and such other matters as the trustees may think fit to take into account.

Debentures under Laws in Schedule to be cancelled.

Sinking Fund Trustees to apportion amount released by conversion.

10. So much of the Sinking Funds accumulated under any of the Laws in the Schedule to this Law as may be set free by the conversion by exchange or by purchase of any Stocks or Loans

Sinking Fund released how to be disposed of.

Natal Consolidated Stock.—Council of Education.

issued under said Laws with new Consolidated Stock under this Law shall be converted into money and paid into the General Revenue for the liquidation of the general liabilities of the Colony.

11. Nothing in this Law and nothing done under the provisions of this Law, except by agreement, shall take away, abridge, or prejudicially affect any right or interest by way of priority or otherwise of any person in or to the general revenue or assets of the Colony or in any Sinking Fund, or any remedy which any person would have had or might have exercised in respect of any such right or interest as if this Law had not been passed.

12. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Law not to affect existing Claims upon Revenue or Assets of the Colony, or right in any Sinking Fund.

Commencement of Law.

Addition hereto by Law 21, 1887, Sec. 2.

SCHEDULE.

Law No. 8 of 1860.
Law No. 15 of 1864.
Law No. 16 of 1871.
Law No. 5 of 1875.
Law No. 1 of 1876.
Law No. 19 of 1876.
Law No. 35 of 1880.
Law No. 44 of 1884.

Given at Government House, Natal, this 8th day of November, 1886.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

LAW No. 2, 1886.

(Signed) A. E. HAVELOCK.

To empower the Council of Education to mortgage certain lands vested in that body.

Preamble.

WHEREAS it is expedient to authorise and empower the Council of Education to raise money on the mortgage of certain lands and premises vested and transferred, or hereafter to be vested and transferred to them :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Council of Education may, with the consent of the Governor, from time to time borrow and take up at interest any sum or sums of money, not exceeding the sum of £6,000, which may be wanted for any of the purposes set forth and contained in the Law No. 45, 1884, and to execute any mortgage or mortgages of all lands and premises granted or transferred to the Council of Education under the said Law, for securing the payment of said moneys so borrowed, or interest thereon.

Power to Council, with consent of Governor, to borrow on mortgage of lands vested in them a sum of £6,000.

Council of Education.—Bursaries.

2. All moneys borrowed under the provisions of this Law shall be expended upon the trusts and for the purposes contained in the Law No. 45, 1884.

Moneys so raised how to be expended.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be read and construed with the said Law No. 45, 1884, as one Law.

Commencement of Law.

Given at Government House, Natal, this 15th day of November, 1886.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

LAW No. 3, 1886.

(Signed) A. E. HAVELOCK.

To repeal and re-enact with Amendments the Law No. 20, 1881, entitled, a Law "To repeal and re-enact with amendments the Law No. 8 of 1880, entitled, a Law 'To amend the Law No. 16, 1877, so far as regards the election to Bursaries in the High Schools of Pietermaritzburg and Durban.'"

WHEREAS it is expedient to repeal and re-enact with amendments the said Law, No. 20, 1881:

Preamble.

Be it therefore enacted by the Governor of Natal with the advice and consent of the Legislative Council thereof, as follows:—

1. The said Law No. 20, 1881, entitled as aforesaid shall be and the same is hereby repealed: Provided, however, that nothing in this Law contained shall be construed to affect any proceedings taken or acts done under the provisions of the said repealed Law, which shall be as valid and effectual as if the said Law was still of full force and effect.

Repeal Law 20, 1881.

Saving as to acts done.

2. Six Bursaries of the annual value of Twenty Pounds Sterling each, and tenable for three years, shall be open for competition in each year, three for boys and three for girls under thirteen years of age at the time of the commencement of the examination: Provided, however, that such competitors shall have been resident in the Colony of Natal for at least one year immediately prior to the 1st day of January in the year in which they compete: And provided further that they shall not be already at the time of examination or have been the holders of a Government Bursary, and such Bursaries shall be competed for in an examination to be held in each year at such time or times and in such subjects and in such manner as may be from time to time prescribed by the Council of Education. The said Bursaries are conferred, and shall be used for the purpose of allowing the holders thereof to proceed to any School in the Colony of Natal,

Six Bursaries to be yearly open for competition, three for boys and three for girls of certain age and at certain times.

Bursaries.—Customs and Transit Dues.

approved of by the Council of Education, and for no other purpose, and shall be held on condition of good behaviour and of attendance at such School to the satisfaction of the Council of Education, and a certificate of such attendance shall be furnished half-yearly to the Council of Education by the Head Master or only teacher of such school: Provided always that no Bursary shall be awarded to any competitor who shall fail to pass the examination in a manner satisfactory to the Council of Education.

Commencement
of Law.

3. This Law shall commence and take effect from and after the 1st day of January next.

Given at Government House, Natal, this 15th day of November, 1886.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

LAW No. 4, 1886.

(Signed) A. E. HAVELOCK.

To suspend the following Laws, viz.:—Law No. 1 of 1867, entitled Law to repeal Law No. 13, 1863, entitled "Law for levying certain duties of Customs within the Colony of Natal, and for imposing and levying certain other duties and charges in lieu thereof, and for prohibiting the importation of certain articles;"—Law No. 2 of 1872, entitled "Law to amend Law No. 1 of 1867;"—Law No. 20 of 1872, entitled "Law to amend Law No. 1 of 1867;"—Section 2 of Law 17, 1874, entitled "Law to amend the Law relating to the importation and registration of Firearms;"—Law No. 11 of 1875, entitled "Law to amend the Laws relating to Customs Duties;"—Law No. 5 of 1877, entitled "Law to amend the Laws relating to Customs Duties;"—Law No. 4 of 1881, entitled "Law to amend the Laws relating to Customs Duties;"—Law No. 14 of 1884, entitled "Law to alter in certain respects the Customs Duties payable in the Colony, and for imposing and levying certain other duties and charges in lieu thereof, and for prohibiting the importation of certain articles."

Preamble.

*Vide Laws 6,
1886; 40, 1887;
6, 1888; 22, 1888,
Sec. 18; 1, 1889;
4, 1889.*

WHEREAS it is expedient to suspend the Laws now in force for levying certain duties of Customs on articles imported into this Colony, and to make other provisions with reference thereto:

And whereas it is deemed desirable to provide for the transit of goods imported into the Colony by sea, through the Colony, on the payment of dues herein called transit dues, and for the establishment of such free warehousing stations and warehouses, and the appoint-

Customs and Transit Dues.

ment of such officers, and for the making of such rules and regulations as may the better preserve and develop the trade of the Colony with the States and territories beyond its borders :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Law No. 1, 1867, entitled " Law to repeal Law No. 13 1863," entitled " Law for levying certain duties of Customs within the Colony of Natal, and for imposing and levying certain other duties and charges in lieu thereof, and for prohibiting the importation of certain articles ;" Law No. 2 of 1872, entitled " Law to amend Law No. 1 of 1867 ;" Law No. 20 of 1872, entitled " Law to amend Law No. 1, 1867 ;" Section 2 of Law No. 17, 1874, entitled " Law to amend the Law relating to the importation and registration of Firearms ;" Law No. 11 of 1875, entitled " Law to amend the Laws relating to Customs Duties ;" Law No. 5 1877, entitled " Law to amend the Laws relating to Customs Duties ;" Law No. 4 of 1881, entitled " Law to amend the Laws relating to Customs Duties ;" and Law No. 14 of 1884, entitled " Law to alter in certain respects the Customs duties payable in the Colony," shall be and the same are hereby suspended during the time this Law shall be in operation and no longer.

Suspension of
Laws Nos. 1, 1867;
2, 1872; 20, 1872;
Sec. 2; Law 17,
1874; No. 11 of
1875; 5, 1877;
4, 1881; 14, 1884;
during operation
of this Law.

2. There shall be raised, levied, collected, and paid, upon the goods, wares, and merchandize imported or brought into this Colony, described and set forth in the Schedule A hereunto annexed, the several duties of Customs respectively inserted, described, and set forth in such Schedule.

Duties in
Schedule A to
be levied on
goods imported.

3. The goods, wares, and merchandize inserted, described, and set forth in the Schedule B hereunto annexed, shall be admitted into this Colony free of duty, except registration charges as set forth in Schedule C hereunto annexed ; subject, however, to such regulations as the Collector of Customs may see fit to make, with the consent of the Governor, with respect to such goods, wares, and merchandize.

Goods in
Schedule B not
subject to duty
except registra-
tion fees as in
Schedule C.

4. The several fees and charges as set forth in Schedule C shall be payable to the Collector of Customs at the importation and entry at the Custom House by him of any of the goods, wares, and merchandize in such Schedule mentioned or referred to, imported or brought into this Colony.

Schedule D
prohibited to be
imported.

5. The goods, wares, or articles inserted, described, and set forth in the Schedule D hereunto annexed, are prohibited to be imported under a penalty of fifty pounds, together with the forfeiture of the parcel or packages of goods in which the same may be found, and shall or may be seized by any officers of the Customs of this Colony, and when seized under this Law, shall be forfeited without any adjudication of forfeiture, and shall be dealt with in such manner by the Collector of Customs as the Governor may direct.

Fees in Schedule
C payable on the
importation and
entry of goods.
Goods in

6. There shall be paid upon every Home consumption entry passed under this Law, in addition to the Customs duties payable thereon, a further charge of two and a-half per cent. upon the total

Additional duty
of two-and-a-
half per cent,
payable on

Customs and Transit Dues.

goods entered
for home
consumption:

Exceptions
thereon.

Ladysmith and
Newcastle free
warehousing
stations for
purposes of Ord.
No. 6, 1855.

Governor in
Council
empowered to
appoint such
other places as
may be expedient
for same purpose

Provisions of
recited Laws so
far as not
inconsistent
herewith to
apply to such
station.

Goods in Sched-
ule E entered
inwards and
landed or ware-
housed under
provisions of
Ord. 6, 1855, 18,
1866, or this
Law, may be
conveyed over-
land on payment
of transit dues,
as provided in
said Schedule,
beyond bound-
aries of Colony
to places subject
to conditions

amount of duty on the goods specified in said entry : Provided, however, that such additional duty shall not apply to, or be payable upon, or in respect of, any goods taken out of bond under the provisions of Section 10 of Law No. 18, 1866, entitled " Law to repeal Law No. 30, 1865, entitled ' Law to amend the Ordinance No. 6, 1855,' entitled ' Ordinance for the general management and regulation of the Customs in the District of Natal,' and also to amend the said Ordinance No. 6, 1855."

7. The towns of Ladysmith and Newcastle shall, in addition to the Port of Port Natal and the City of Pietermaritzburg be free warehousing stations, for all the purposes of the Ordinance No 6 of 1855.

It shall be lawful for the Governor with the advice of his Executive Council, and he is hereby empowered by proclamation from time to time to constitute and appoint such other places in the Colony as in his opinion may be deemed expedient for the development of trade within and without the Colony of Natal, to be free warehousing stations under the said Ordinance No. 6, of 1855.

All and every the provisions of the Law No. 18 of 1866, entitled " Law to Repeal Law No. 30, 1865, entitled ' Law to amend the Ordinance No. 6, 1855,' entitled ' Ordinance for the general management and regulation of the Customs in the District of Natal,' and also to amend the said Ordinance No. 6 of 1855," shall, save in so far as the same may be altered by the provisions of this Law, or be inconsistent therewith, apply and are hereby declared to be applicable to the towns of Ladysmith and Newcastle, and such other free warehousing stations as may be constituted and appointed under the provisions of this Law, in the same way as if the words " Town of Ladysmith," or " Ladysmith " or " Town of Newcastle," or " Newcastle," or the name of such other free warehousing station, were in the reading and construing of the said Law No. 18 of 1866 substituted for the words " City of Pietermaritzburg," or " Pietermaritzburg " : Provided that the periods of time " fourteen days," in Section 5, and " ten days " in Section 12 of the Law No. 18 of 1866, may, at the discretion of the Collector of Customs, be extended as to the removal of goods to or from any bonding warehouse at any warehousing stations established by or under the provisions of this Law.

8. Any of the goods specified in the Schedule E hereunto annexed may upon their being duly entered inwards and landed at the port of Port Natal, or after having been warehoused at any warehouse appointed under the provisions of the Ordinance No. 6 of 1855, the Law No. 18 of 1866, or this Law, as a bonding warehouse, be removed from the said port or from any such bonding warehouse for the purpose of being conveyed overland beyond the boundaries of the Colony to such place or places in such State or territory as the Governor may from time to time with the advice of his Executive Council, appoint by proclamation in the *Government Gazette* upon payment, in lieu of the ordinary Customs duties upon such goods, of the transit dues specified in the said Schedule E and at the rates

Customs and Transit Dues.

therein provided for, and upon such special conditions and restrictions as to the transport and conveyance of such goods and the routes to be followed and otherwise as the Governor, with the advice of his Executive Council, may from time to time direct, order, or appoint: Provided always that no such goods shall be removed from any such warehouse, until the person applying for such removal shall give security by bond with one sufficient surety to be approved by the Collector of Customs in treble the amount of import duty payable on such goods for the time being within the Colony that the several provisions of this Law and of the Customs Laws in force and all rules and regulations framed thereunder shall be duly kept and observed, and that the goods so removed as aforesaid shall be delivered at the destination mentioned and for which they were cleared at the Port or taken out of any warehouse or shall be otherwise accounted for to the satisfaction of the Collector of Customs.

9. No person shall be entitled to apply for the removal of any goods in the Schedule E of this Law mentioned for transmission to any place in any State or territory beyond the boundaries of the Colony under the provisions of this Law until he has taken out a license entitling him, upon compliance with all the laws and regulations affecting the removal of goods from time to time, to convey such goods in the Schedule E mentioned, beyond the boundaries of the Colony. The said license shall be granted by the Collector of Customs to any person of whom he shall in his discretion approve, and for any period not exceeding twelve months, on payment of a sum of Five Pounds Sterling, and each such license shall expire on the 31st day of the month of December in the year in which the same may be granted. The said license may at any time during the currency thereof be cancelled and revoked by the Collector of Customs in his own absolute discretion: Provided, however, that any person whose license has been cancelled, or to whom a license has been refused, may on application be informed of the grounds of such cancellation or such refusal: Provided always, that neither the Government nor the officer giving the information shall be held liable for any damages in respect of such information: And provided further that any person whose license has been cancelled, or to whom a license has been refused, may appeal from the decision of the Collector of Customs to the Governor in Council, who may confirm or reverse the act or decision of the Collector of Customs, who shall be bound to furnish a confidential report for the information of the Governor in Council. The decision of the Governor in Council shall be binding on and be given effect to by the Collector of Customs. The revoking or cancelling of a license shall not entitle the holder thereof to any refund of the license money paid by him.

10. It shall be a condition of the bond given under the provisions of the said Ordinance No. 6 of 1855, or the Law No. 18 of 1866, or of this Law, for or in connection with the removal of any goods liable to the payment of import duty from the port of Port Natal, or from any free warehousing station constituted and appointed

appointed by His Excellency in Council.

Bond to be furnished by person removing goods as aforesaid.

License required from Collector of Customs before permission to remove goods is granted.

Fee payable.

License may be revoked at discretion of Collector of Customs.

Grounds for refusing or cancelling license to be given if required.

Government or Officer not liable for damages.

Appeal to Governor in Council.

Collector to furnish confidential report for information of Governor in Council.

License fee not to be refunded in the event of license being cancelled.

Conditions of Bond.

Customs and Transit Dues.

under and by virtue of the provisions of the said Ordinance and Law, or of any other Law having reference thereto to any other free warehousing station within the Colony of Natal, that such goods so removed shall be conveyed by, and upon such open lines of railway as may be maintained in working order between the said stations, and at such rates of carriage, and subject to such regulations as may from time to time be made applicable to such transport of goods.

Goods removed to be sent to destination as far as practicable by railway.

And provided also, that in the removal and carriage of goods overland under the provisions of this Law upon payment of transit dues to places beyond the boundaries of the Colony, the exporter shall be bound to send such goods as far as the same may be practicable by the open lines of railway worked and maintained by the Government, and at such rates of carriage, and subject to such regulations as may from time to time be made applicable to such transport of goods; and it shall be the duty of the Collector of Customs to see that the provisions in this section contained for the better protection of the revenue of the Colony be in all cases enforced.

Duty of Collector of Customs to see provisions of this Section enforced.

Goods in Schedule B imported overland chargeable with duty as if imported by sea and entered for home consumption.

11. There shall be raised, levied, collected, and paid upon all or any of the goods specified in Schedule E of this Law imported into Natal across any inland border thereof, the same amount of duty as may from time to time be chargeable and leviable on all or any of the goods so specified imported into the Colony by sea, and entered for home consumption.

Sections 3, 4, 5, and 6, Law No. 14, 1885, apply to goods in Schedule B.

12. All and every the provisions of Sections three, four, five, and six of the Law No. 14, 1885, entitled "Law to provide for the levying of Customs Duties on Spirituous or Fermented Liquors imported across the Inland Border of the Colony," shall be, and the same are hereby declared to apply not only to spirituous and fermented liquors, but also to any and all goods specified in Schedule E of this Law, and the said Law No. 14, of 1885, and all the sections thereof and the rules and regulations in force thereunder, shall be read and construed as if the said goods, and each and all of them, in the Schedule E of this Law named, were specifically mentioned and made liable in the said Law No. 14, of 1885, to the payment of Customs duty.

Law No. 14, 1885, and regulations thereunder, to be construed as if goods in Schedule E were made liable by said Law to Customs duty.

Governor in Council empowered to proclaim places as ports of entry into and departure from Colony. Importers and Exporters to enter and leave at such ports of entry, and comply with rules and regulations.

13. The Governor, with the advice of his Executive Council, may from time to time fix and determine, and by proclamation to be published in the *Government Gazette* proclaim, such places on or near to the borders of the Colony as may be found requisite for the importation and exportation of goods as ports of entry into and departure from the Colony, and all wagons or other vehicles and all persons engaged by any means whatsoever in importing or bringing into the Colony overland from any place beyond the borders thereof or exporting therefrom any goods or produce shall be bound to enter or leave the Colony at one or other of such places or ports of entry as may be so proclaimed, and to comply with all such rules and regulations as may, under the provisions of this or any other Law, be in force, the better to protect the revenue and trade of this Colony.

Customs and Transit Dues.

14. It shall be lawful for the Governor, with the advice of his Executive Council, to make and publish and from time to time as he shall see occasion to alter such regulations for the better carrying into effect of the provisions and objects of this Law as to him shall seem expedient. Any person who shall contravene any regulation made and published hereunder shall be liable to a fine not exceeding three hundred pounds sterling, and in default of payment to imprisonment with or without hard labour for any period not exceeding twelve months, or to both such fine and imprisonment, and all goods removed in contravention of any such regulation and all vehicles and animals made use of in the removal of such goods shall become forfeit to the Colonial Treasury on the finding of a competent Court.

Governor in Council empowered to make regulations

Penalty for contravening regulation.

15. All rules and regulations which have been framed and published under the provisions of any Law or Ordinance hitherto in force in reference to warehouses appointed at the port of Port Natal, or in the City of Pietermaritzburg, for the free warehousing of goods imported and liable to pay import duty thereon, shall, until altered and amended under the provisions of this Law, be deemed to be and are hereby declared to be applicable to any and all such warehouses as may be established under the provisions of this Law.

Existing rules and regulations applicable to warehouses established under provisions herein until altered.

16. The Governor in Council is hereby empowered to appoint such officers as may be deemed requisite, and at such rates of salary as may be voted by the Legislative Council, the better to protect the trade and revenue of the Colony and to carry into effect the provisions of this Law, and specially to provide for the due warehousing of goods in any warehouse established hereunder and for the collection of the Customs duties, the transit dues, and all other charges on such goods; and all such officers shall be deemed to form portion of the general Customs establishment of the Colony, and be under the supervision and direction of the Collector of Customs at Port Natal.

Governor in Council to appoint necessary officers at rates of salary to be voted by Legislature.

Status and supervision of such officers.

17. The Ordinance No. 6 of 1855, the Law No. 18 of 1866, and the Law No. 14 of 1885 shall respectively be read and construed together with this Law.

Ord. 6, 1855, Law 18, 1866, and 14, 1885, to be construed herewith.

18. This Law may be cited for all purposes as "The Customs Duties and Transit Dues Law, 1886."

Short title.

19. This Law shall commence and take effect from and after the date of its promulgation in the *Natal Government Gazette*. and shall continue in force until the Thirty-first day of December, 1889: Provided that Sections seven to sixteen inclusive shall not come into operation until the expiration of 21 days after the date upon which this Law commences and takes effect.

Commencement of Law.

Proviso.

[Continued till 31st December, 1890. *Vide* Law 1, 1889.]

Customs and Transit Dues.

SCHEDULE A.

Article	Rate of Duty.		
	£	s.	d.
Ale, Beer, and Cider, per gallon	0	0	9
Bacon, Hams, and Lard, per lb.	0	0	2
Beads, per lb.	0	0	2
Blankets and Sheets, Cotton, the single article, in pairs, or in the piece, for every £100 value ...	10	0	0
Blankets or Rugs, Woollen, or manufactures of Wool and Cotton commonly used as Woollen Blankets or Rugs, the single article, or in the piece, for every £100 value	10	0	0
Butter, Butterine, or other substances imported as butter, per lb.	0	0	3
Candles, per lb.	0	0	1
Cement, Portland or Roman, per Cask not exceeding 400 lbs. per Cask	0	2	0
Cocoa, Jams, Jellies, Confectionery, Bottled and Tinned Fruits, Preserved or Pressed Vegetables, Pickles, Sauces, Salted and Preserved Meats, and Potted Fish, per lb. or per pint	0	0	2
Coats or Jackets made of Blanketing or Baize, for every £100 value	10	0	0
Coke, and patent Fuel, per ton	0	3	0
Cheese, per lb.	0	0	3
Coffee, per lb.	0	0	0
Chicory, per 100 lbs.	0	5	0
Corn and Grain of all kinds, including Peas, Beans, Dholl, and Gram, per cwt.	0	1	6
Fruit, dried and preserved, of all kinds, per lb ...	0	0	2
Flour, Meal, and Bran, per 100 lbs.	0	1	0
Guns and Gun Barrels, each barrel	1	0	0
Gunpowder, per lb.	0	0	6
Matches, in boxes or other packages, each containing not more than 100 matches, the gross of boxes ...	0	1	0
Oils of all descriptions, imported in vessels containing not less than half-a-gallon (chemical, essential, and perfumed Oils excepted), per gallon	0	0	6
Pistols, Pistol Barrels, or set of Barrels, each ...	0	0	6
Picks and Hoes, called Kafir Picks and Hoes, each ...	0	0	0
Rice, per cwt.	0	1	0
Rock Salt, per ton	0	2	0
Salt (in bags) per ton	0	5	0
Spirits of all sorts, not sweetened, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength per gallon	0	9	0
Spirits (Sweetened or perfumed) Liqueurs and Cordials, per gallon			

Amended by
Law 1, 1889.Vide Law 1,
1889.

Customs and Transit Dues.

Article.	Rate of Duty.			
	£	s.	d.	
Sugar (unrefined), per cwt.	0	8	6	
Do. (refined), per lb.	0	0	1	<i>Vide Law 1, 1889.</i>
Tea, per lb.	0	0	6	
Tobacco (not manufactured), per lb.	0	0	6	<i>Vide Law 40, 1887.</i>
Do. (manufactured), per lb.	0	2	0	
Do. (Cigars), per lb.	0	4	0	
Wines, other than Pontac, Claret, and Sparkling				
Wines, per gallon	0	4	0	
Wines, Sparkling, per gallon	0	5	0	
„ Pontac, per gallon	0	2	0	
„ Claret, per gallon... ..	0	1	6	
Goods (Wares and Merchandise) not otherwise charged with duty, not prohibited to be imported, and not exempted from duty by Schedule B of this Law, for every £100 value...	7	0	0	<i>Duty reduced by Law 1, 1889.</i>

Under Ordinance No. 14, of 1856.

Reprints of British Copyright Works may be imported at a duty of 20 per cent. *ad valorem*,

SCHEDULE B.

*Added to by
Law 1, 1889,
Sec. 3.*

Animals, Living.

Bones and Horns of Animals.

Books and Music printed ; Maps and Charts.

Coin and Bullion.

Fencing wire, iron standards, and all materials intended to be used solely for the purposes of wire fencing.

Fresh Fruit and Vegetables, Plants, Seeds, Bulbs, and Specimens illustrative of Natural History.

Guano and other Manures.

Gums of all descriptions.

Hides and Skins of Animals, raw and undressed.

Ice.

India Rubber, unmanufactured.

Ivory.

Machinery, or component parts of machinery, to be driven by steam, water, or animal power.

Ores and Minerals, crude and Pig iron.

Uniforms and appointments imported by and for the use of any Officers of Her Majesty's Civil, Military, or Naval Service, serving on full pay in this Colony ; or for any Militia or Volunteer Forces in this Colony.

Customs and Transit Dues.

Provisions and Stores, and all Articles of every description imported for the use of Her Majesty's Land and Sea Forces, or for the Colonial Government: Provided the duty otherwise payable thereon would be paid or borne by the Treasury of the United Kingdom, or the Government of this Colony.

Wines and Spirits imported or taken out of bond for the use of the Governor, and for the use of Her Majesty's Military Officers serving on full pay in this Colony; and also for the use of the Officers of Her Majesty's Navy on full pay and serving on board any of Her Majesty's ships; subject, however, to such regulations as the Collector of Customs shall think fit to make: Provided, however, that if any such wines or spirits so imported shall be subsequently sold in this Colony, except for the use or consumption of any of the Officers aforesaid, the same shall, unless duty be first paid thereon, be forfeited.

Wool.

*Vide Law 4,
1889, Sec. 2.*

SCHEDULE C.

Registration Charges on Free Goods.

On all goods imported or described in Schedule B, except provisions and stores for Her Majesty's Forces by Land and Sea, or the property of and imported by the Government of this Colony.

At the option of the Collector :—

Per ton...	...	...	...	£0	2	0
Or per package	...	...	...	0	0	6

SCHEDULE D.

Articles prohibited to be Imported.

Books, Drawings, Paintings, Prints, or Photographs of an immoral or indecent character.

Coin, base or counterfeit.

Articles of Foreign Manufacture bearing the name, marks, or brands of Manufacturers resident in the United Kingdom, (Imp. Act 16 and 17 Vic., cap 107.)

*Vide Law 22,
1889, Sec. 13.*

Customs.

SCHEDULE E.

Schedule of goods which may be removed from any bonding warehouse, under the provisions of this Law, for conveyance beyond the borders of the Colony on payment of transit dues upon such goods at the rates herein specified :—

*Vide Law 6,
1886.*

GOODS.	TRANSIT DUES.
Spirits—all sorts, sweetened or perfumed, or otherwise, liqueurs and cordials, except	
Hollands Gin	6d. per gallon.
Hollands Gin	3d. per gallon.
Tea	1d. per lb.
Manufactured Tobacco and Cigars	6d. per lb.
Wines	6d. per gallon.

Given at Government House, Natal, this 23rd day of December, 1886.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,

Acting Colonial Secretary.

LAW No. 5, 1886.

(Signed) A. E. HAVELOCK.

For making Further Provision for the Service of the Year 1886.

LAW No. 6, 1886.

(Signed) A. E. HAVELOCK.

To provide for the continuance of certain Customs Duties, Fees, or Charges imposed by the Steam Tug Loan Law, 1871.

*Vide Law 6,
1886.*

WHEREAS the Law No. 2, 1881, by which provision was made for the continuance of the said Customs duties, fees, or charges, expires on the First day of January, 1887 :

Preamble

And whereas it is expedient to re-enact the said Law No. 2, 1881 :

Customs.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Certain Customs
charges autho-
rised to be levied.

1. The following charges shall be paid at the Custom House, Port Natal, and the Branch Custom Offices at Pietermaritzburg, and elsewhere, as may hereafter be appointed, that is to say :—On every Bill of Entry provided for by Sections 32 and 39, Ordinance No. 6, 1855, for goods imported or to be delivered from any Crown or Customs Bonding Warehouse and upon which import duties shall be due and payable, there shall be charged and paid on the total amount of the import duties set forth in such entry, a further sum of Three Pence for every Pound and proportion of a Pound Sterling of such total amount of duties ; on goods contained in Schedule E in the Customs Duties and Transit Dues Laws, 1886, an impost of Three Pence in every Pound on the Transit Dues set forth in the entry ; and on every Bill of Entry for goods imported free of duty, on which registration charges shall be due and payable, there shall be paid, in addition to the fees and charges set forth in the Customs Laws in force for the time being, fees and charges at and after the rate set forth in the Schedule of this Law.

Governor in
Council may
make rules.

2. The Governor may, with the advice of the Executive Council, make, and from time to time alter or amend, as occasion may require, such rules and regulations as may be deemed necessary for and about the raising, levying, and collecting of the duties, rates, and charges by this Law authorised, and otherwise for carrying out the objects of this Law, and by such rules and regulations impose such fines for the infringement thereof as he may deem expedient, not exceeding Ten Pounds for each offence.

Commencement
of Law.

3. This Law shall commence and take effect after the promulgation thereof in the *Natal Government Gazette*, at and upon the expiration of the said Law No. 2, 1881, and not sooner.

SCHEDULE.

Bricks, tiles, slates, coals, pig iron, manure, lime, per ton ... 6d.
Machinery, and all other free goods not specified by preceding rates, except goods the property of and imported for the Imperial or Colonial Governments, at the option of the Collector of Customs :

At per ton	...	...	...	...	6d.
At per package	...	...	...	...	8d.

Given at Government House, Natal, this 28th day of December, 1886.

By command of His Excellency the Governor,

(Signed)

F. S. HADEN,
Acting Colonial Secretary.

Wharfage Dues.

LAW No. 7, 1886.

(Signed) A. E. HAVELOCK.

To continue the Law No. 12, 1875, entitled Law "To enable certain Wharfage Dues to be levied at the Harbour of Port Natal." *Vide Law 6, 1886.*

WHEREAS the Law No. 8, 1881, entitled a Law "To continue the Law No. 12, 1875, entitled a Law 'To enable certain wharfage dues to be levied at the Harbour of Port Natal,' will expire on the first day of January, 1887 : Preamble.

And whereas it is expedient that the provisions of the said Law No. 12, 1875, should be further continued :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Law aforesaid (No. 12, 1875), entitled Law "To enable certain wharfage dues to be levied at the Harbour of Port Natal," shall continue in force and operation from the first day of January, 1887, until repealed or amended : Provided always that Schedule No. 1 of the aforesaid Law No. 12, 1875, shall be read as though the words "or Angora hair" were inserted after the word "wool," wherever occurring in the said Schedule. Continues operation of Law 12, 1875, from 1st January 1887.

2. The Governor may, with the advice of the Executive Council, make and from time to time alter or amend such rules and regulations as may be necessary for and about the levying and collecting of the wharfage dues and otherwise for carrying out the objects authorised by the said Laws hereinbefore recited, and by such rules and regulations to impose such fines for the infringement thereof as the Governor may deem expedient not exceeding ten pounds for each offence. Words "or Angora hair" inserted in Schedule No. 1.

3. This Law shall commence and take effect after promulgation in the *Natal Government Gazette*, at and upon the expiration of the said Law No. 8, 1881, and not sooner. Governor in Council empowered to make rules and regulations and impose penalties

Given at Government House, Natal, this 29th day of December, 1886.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

Temporary Loan.

LAW No. 1, 1887.

(Signed) A. E. HAVELOCK.

For providing a Sum not exceeding £4,844 6s. 2d. for superintending the Construction and Maintenance of the Ladysmith Extension of the Natal Government Railways during the Years 1886 and 1887.

LAW No. 2, 1887.

(Signed) A. E. HAVELOCK.

To empower the Governor in Council to Borrow a sum not exceeding £100,000 for the exigencies of the Public Service.

Preamble.

WHEREAS it is expedient and necessary to empower the Governor in Council to raise and borrow upon Loan such sums of money not exceeding £100,000 as may be required and necessary for the exigencies of the service :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof as follows :—

**Power to raise
£100,000 for
Public Service.**

1. The Governor in Council may, and is hereby authorised and empowered to raise and take upon Loan from time to time such sums of money, not exceeding the sum of £100,000, which may be required to defray any insufficiency in the general revenue, to meet the charges made payable by Laws out of general revenue for Establishments and other services for and during the year 1886, and to pay for the like services and charges when authorised by Law for the year 1887, in anticipation of the revenue to be collected for that year.

**Application
of moneys so
raised.**

2. All sums of money raised or borrowed under the provisions of this Law shall be applied to defray the costs of establishments and all other services made payable by Laws out of the general revenue for and during the year 1886, and which the general revenue received during the year was insufficient to meet, and to defray the cost of establishments and other services when authorised by Law for the year 1887, and for which services when due and payable sufficient revenue for the year 1887 has not been collected.

**Power to take
upon loan on
Treasury Bills
such sums as
required, pro-
ceeds of Bills to
be paid into
General
Revenue.**

3. The Governor in Council may authorise the Colonial Treasurer to borrow and take upon loan on Treasury Bills from any Bank, Joint Stock Company, or person, such sums as may be from time to time required under this Law, and the proceeds of all such Treasury Bills shall be paid into the general revenue.

**Rate of interest
to be fixed by
the Governor in
Council, Bills
payable at par at
time to be fixed
before issue.**

4. Such Treasury Bills shall bear interest at a rate to be agreed upon by the Governor in Council, and shall be payable at par at such time or times, or after such notice as the Governor in Council shall, before the issuing of such Treasury Bills, fix and determine.

Temporary Loan.—Construction of Laws, &c.

5. The principal and interest of all Treasury Drafts issued under this Law shall be and are hereby charged upon and made payable out of the general revenue and assets of the Colony.

Interest and principal charged on general revenue and assets of the Colony.

6. This Law may be cited for all purposes as the Temporary Loans Law, 1886.

Short title.

7. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 10th day of January, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

LAW No. 8, 1887.

(Signed) A. E. HAVELOCK.

To provide for the better Construing of Legislative Enactments and other Public or Official Documents.

WHEREAS it is expedient to provide rules for the better application and construing in certain particulars of Legislative enactments and other public or official documents :

Preamble

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The second section of the Ordinance No. 2, 1854, is hereby repealed.

Repeal of Sec. 2 Ord. 2, 1854.

2. The term Law as used herein, and for the purposes hereof, and the term Ordinance as used in and for the purposes of the first section of the said Ordinance No. 2, 1854, shall be deemed respectively to include and to have included any Ordinance or Law or other Act by the Legislature of or for Natal at the time being, other than and except any Act of the Imperial Parliament or Rules or the like issued or to be issued under any such Imperial Act.

Term "Law" to include Ordinance, Law, or Act by Legislature of Natal, except Imperial Act or rules thereunder

3. When any Law has been or shall be repealed in whole or in part, such repeal shall not be deemed to affect or to have affected any application of the repealed Law to or in respect of any right or liability, privilege, or exemption, liberty or restraint, or the like respectively, having actual existence in Law at the taking effect of such repeal, or to or in respect of the form of any such proceeding in reference to any such subject as aforesaid as shall have been begun at or before such taking effect.

Effect of repeal in whole or part of any Law.

4. Such repeal as is referred to in the last foregoing section hereof shall not be deemed to affect or to have affected any repeal express or implied originally effected by the repealed Law.

Repeal not to affect repeal effected by Law referred to.

Construction of Laws, &c.

Meaning of terms specified in Schedule hereto.

Proviso.

Day on which any Law shall be in operation.

Interpretation and application of Law.

Not to apply to any laws provisions of which are in opposition hereto.

Commencement hereof.

5. The words and terms respectively specified or referred to and numbered in the first column of the Schedule hereto shall, when and as occurring in any Law, be deemed to mean and have meant or to include and have included, as the case may be, the words, terms, and meanings respectively set opposite thereto, and similarly numbered in the second column of the said Schedule : Provided always, that the provisions of this section and of the said Schedule shall be deemed also to apply and to have applied to any document of a public or official or statutory nature originating in this Colony.

6. Any Law to be hereafter enacted shall be in operation on and after the day next following that of the promulgation of such Law as a Law in the *Natal Government Gazette*.

7. The provisions of this Law shall apply to and in respect of the construing and interpretation of itself, save and except its first section.

8. No provision of this Law shall be deemed so to apply to the construing of any part of any other Law or document, or later, as to occasion any such construing thereof in whole or in part as is clearly in opposition to the meaning of what is to be construed as shown by the wording thereof, or of other parts of such Law or document, or of other context thereto.

9. This Law shall be in operation at the like period as to it as is provided for as to future Laws by the sixth section hereof.

SCHEDULE.

First Column.	Second Column.
(1) Pronouns of Masculine Gender.	(1) To include the same pronouns in the Feminine or Neuter Gender.
(2) Words in the Singular Number.	(2) To include the same words in the Plural Number.
(3) Words in the Plural Number.	(3) To include the same words in the Singular Number.
(4) Month.	(4) To mean calendar month ; or from one part in a calendar month to the corresponding part in another calendar month, as the case may be.
(5) Year.	(5) To mean twelve successive calendar months, or from one part in a month in one year to the corresponding part in the month of the same name in another year, as the case may be.
(6) Oath or Swear.	(6) To include any form of deposing which at the time being is legal in such a case.
(7) Writing.	(7) To include contents of any document,

Construction of Laws, &c.—Medicines.

- | | |
|--------------------------------------|---|
| (8) Governor or Lieutenant-Governor. | (8) To include the Officer administering the Government of the Colony for the time being. |
| (9) Any other official designation. | (9) To include any duly made acting appointment to the office for the time being. |

Given at Government House, Natal, this 10th day of January, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

Law No. 4, 1887.

(Signed) A. E. HAVELOCK,

To amend Law No. 37, of 1884.

WHEREAS it is expedient to amend Law No. 37, of 1884, entitled "Law for amending the Laws relating to the Practice and Sale of Medicine in the Colony of Natal," by the repeal and re-enactment of Schedule I. :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Schedule I of Law No. 37, 1884, is hereby repealed, and the Schedule hereto annexed substituted in lieu thereof.

Repeal of Schedule I, Law 37 of 1884, and Schedule hereto substituted.

2. This Law shall be read and construed together with the Law No. 37, of 1884, as one Law, and such of the provisions of the said Law No. 37, of 1884, as are in conflict with the provisions of this Law shall be, and the same are hereby, repealed.

Law 37 of 1884, and this Law to be construed together. Provisions of Law, 37, 1884, inconsistent with this law repealed.

3. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

SCHEDULE I.

1. Fellow, Member, Licentiate or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow, Member, or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow, or Licentiate, or Licentiate in Midwifery of the King's and Queen's College of Physicians of Ireland.
4. Fellow, or Member, or Licentiate in Midwifery of the Royal College of Surgeons of England.

Medicines.—Mount Moreland.

5. Fellow, or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow, or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow, or Licentiate, or Licentiate in Midwifery of the Royal College of Surgeons in Ireland.
8. Licentiate of the Apothecaries' Society of London.
9. Licentiate of the Apothecaries' Hall of Dublin.
10. Doctor of Medicine, or Bachelor of Medicine, or Licentiate in Medicine, or Master in Surgery, or Bachelor in Surgery, or Licentiate in Surgery of any University of the United Kingdom.

Given at Government House, Natal, this 10th day of January, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

LAW No. 5, 1887.

(Signed) A. E. HAVELOCK.

For making Further provision for the Service of the Year 1885.

LAW No. 6, 1887.

(Signed) A. E. HAVELOCK.

To provide for the Holding and Management of the Town Lands or Commonage of Mount Moreland.

Preamble.

WHEREAS under and by virtue of "The Mount Moreland Town Lands Law, 1874," a Board of Trustees known and designated as "The Mount Moreland Town Lands Board," having been duly elected and constituted, are now the registered proprietors of the Town Lands or Commonage of Mount Moreland, marked D on the original plan, and containing by admeasurement 2,715 acres or thereabouts :

And whereas the said Town Lands or Commonage are held by the said Board in trust for the use, benefit, and advantage in common of the registered proprietors of such of the erven or village allotments in the Town of Mount Moreland as by the deeds of transfer thereof have reserved to them a right of pasturage over the said Town Lands or Commonage :

And whereas it is desirable to define more clearly the powers and duties of the said Board, and with that object in view to repeal and re-enact, with amendments, the provisions of "The Mount Moreland Town Lands Law, 1874," the preamble of which Law was duly proved.

Mount Moreland.

And whereas a meeting of the registered proprietors of erven in the town of Mount Moreland having a right of pasturage over the Town Lands or Commonage thereof was convened in and subsequently held at Verulam on the 17th day of June, 1886, for the purpose of taking into consideration certain necessary amendments and provisions of the aforesaid Law, and such amendments and provisions were thereupon considered, and it was resolved by the said registered proprietors attending and represented at such meeting that the said Law be repealed and re-enacted with certain necessary alterations and amendments suggested therein :

And whereas the intention to apply for the passing of this Law was duly notified in terms of the Standing Rules of the Legislative Council :

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. The Law No. 89, 1874, entitled Law “To provide for the holding and management of the Town and Town Lands or Commonage of Mount Moreland,” shall be and the same is hereby repealed save only and except so far as regards all proceedings taken or commenced before this Law shall come into operation under or in execution of the said Law, all which proceedings shall be as valid to all intents and purposes as if this Law had not been passed ; and save also and except so far as regards all appointments, elections, rules, by-laws and regulations made, or purporting to have been made, under the said Law, which, until revoked, altered or amended, and save so far as they are not in conflict with any of the provisions of this Law, shall continue in force, and be deemed to be appointments, elections, rules, by-laws, and regulations under this Law, and save only and except so far as regards any right acquired, or thing done, or any liability accruing before the passing of this Law.

Repeal of Law
89, 1874.

2. The Board of Trustees known and designated as “The Mount Moreland Town Lands Board,” elected and constituted under the provisions of “The Mount Moreland Town Lands Law, 1874,” shall be, and are hereby continued to be, incorporated and declared a body corporate, and as such shall have succession in law, and a common seal, and shall and may sue and be sued by their corporate name, and shall have power and authority to hold, possess, and enjoy, with power to lease and deal with, subject, however, to the provisions and restrictions of this Law, the Town Lands or Commonage of Mount Moreland which are hereby declared to be vested in the said Board. And wherever the words “The Mount Moreland Town Lands Board” are used in any Law, transfer, lease, regulation, or document now in force in this Colony, they shall, on the taking effect of this Law, be taken to mean the Board in this Law mentioned.

Board of
Trustees elected
under provisions
of Law 89, 1874,
continued under
style of The
Mount Moreland
Town Lands
Board.

3. Any person being the registered owner of an erf of land at Mount Moreland originally granted by or purchased from the late Joseph Charles Byrne, or the assignees of his estate, and having a right of pasturage over the said Town Lands or Commonage, shall

Persons entitled
to vote and
represent erf at
meetings of erf-
holders.

Mount Moreland.

be entitled to elect and to vote at all meetings of erf-holders under this Law ; and owners of more than one such erf shall be entitled to one vote for each erf, and, in case of an erf subdivided or owned by several persons jointly, one person may be appointed by such several proprietors to represent such erf. If any erf shall stand registered in the names of two or more persons as joint owners, one only of such joint owners, or some person deputed by them, shall be entitled to represent such erf. And if any erf shall stand registered in the name of any married woman, any minor, any person deceased, any person whose estate has been assigned, surrendered, or sequestrated, or of any person legally or actually incapable of administering his property, then the husband of such married woman, the father, guardian, or trustee of such minor, or the legal representative of such person deceased, or whose estate has been assigned, surrendered, or sequestrated, or who is legally or actually incapable of administering his property, shall be entitled to vote and represent any such erf : Provided that no erf-holder or representative of erf-holders shall have, or exercise in his own right, a greater number of votes than five. Any person holding the general power of attorney of an erf-holder may himself represent such erf-holder, or depute some other person, being an erf-holder, to represent his principal, such erf-holder, and to vote for him at all meetings of erf-holders held under the provisions of this Law.

No erfholder to exercise in own right more than five votes.
Erfholder may be represented by person holding general power of attorney.

Erfholder may be represented by proxy, provided votes of any one person do not exceed ten at one time.

4. Any erf-holder or person entitled under the provisions of this Law to attend and vote at any meeting of erven-holders, if and when absent from any meeting of erven-holders, may appoint by himself, or his duly authorised agent, any erf-holder to vote for him by proxy : Provided always that no erf-holder or his authorised agent shall give more than ten votes at one time for himself and by proxy, and such proxy shall not require to be drawn up in any particular form, but may be by simple letter of instruction, or in the form from time to time prescribed in the By-laws in force under the provisions of this Law ; and every such authority to vote by proxy shall specify the particular meeting at which it is intended that such authority shall be used, and shall be produced to, and filed by, the Chairman of every such meeting with the minutes thereof. It shall not be lawful for any registered erf-holder, proxyholder, or other person entitled to represent an erf-holder and vote at meetings of erf-holders, to vote or take part in the discussion of any matter before any meeting of erf-holders in which such erf-holder or his principal shall directly or indirectly have any pecuniary interest beyond the general or common interest of being an erf-holder in the Township of Mount Moreland.

Person voting or taking part in discussion not to have pecuniary interest beyond common interest as erfholder.

Majority at Board to prevail.
Five Trustees to form quorum.
Change of Trustees to be registered. Fee to be paid for registration.

5. All acts authorised or required to be done by the Board of Trustees shall be done by a majority of the same who shall be present at any meeting, provided that the quorum of the trustees for the transaction of business shall be five. Any change of trustees under the provisions of this Law shall as soon thereafter as possible, be registered in the office of the Registrar of Deeds of this Colony, who shall be entitled to charge a fee of two shillings and sixpence

Mount Moreland.

for every new trustee so registered, and no formal transfer to any such new trustee shall be necessary.

6. The Chairman or Vice-Chairman of the Board of Trustees, may call meetings of the Board as often as occasion shall require at such place as may from time to time be provided, and in compliance with any rule or by-law made under the authority of this Law. Meetings of the erf-holders shall as often as occasion may require, be called by the Chairman or Vice-Chairman aforesaid, and shall be ordered in terms of the rules or by-laws above referred to. The Chairman of the Board of Trustees, or in his absence the Vice-Chairman thereof, or in his absence any member of the Board elected by a majority of those present, shall preside as Chairman at any meeting of the Board and the person so presiding as Chairman of any such meeting shall have a vote as member of the Board, and in the event of an equality of votes, a second or casting vote. At any meeting of erf-holders the Chairman of the Board of Trustees, or in his absence the Vice-Chairman, or in his absence any erf-holder elected by a majority of the votes of those present shall preside, and the person so presiding as Chairman shall have a vote as an erf-holder, and in the event of an equality of votes, one casting vote. All acts authorised or required to be done by a meeting of erven-holders shall be done by a majority of votes: Provided that no such meeting shall be duly constituted for the transaction of business, unless seven erf-holders, or their representatives not being less than seven in number, be present thereat, and take part therein.

7. If and when any trustee shall cease to be a registered proprietor of a said erf, or shall absent himself from every meeting of the Board of Trustees held during a period of twelve calendar months, reckoned from the last meeting of trustees attended by him, or shall otherwise become legally incapable to act, or shall in writing resign his seat, he shall in each such case be held to have vacated his seat, and thereupon shall cease to be a member of the Board of Trustees. But any such trustee ceasing to be such shall nevertheless remain responsible or liable for any act performed by him as such trustee, or done under pretence of his office as trustee.

8. If and when the number of trustees shall from any such causes as aforesaid be reduced below seven, then, and in every such case, it shall be the duty of the Chairman or Vice-Chairman of the Board of Trustees forthwith to call a meeting of the said erven-holders, to be holden at such time and place as he shall appoint, for the purpose of electing new trustees in the place of the trustees whose seats have become vacant as aforesaid: Provided that no person but a registered proprietor of an erf in the township of Mount Moreland shall be eligible for election as a trustee under the provisions of this Law.

9. The said Board may lease any portion of the lands vested in them and contained in the sub-division marked B on the general plan, to the extent of 1,050 acres, and also any portion of the sub-division marked A on the general plan, to the extent of 450 acres, for any term of years (absolute or determinable at the option of either party or of one party only) not exceeding twenty-one years,

Chairman or Vice-Chairman to call meeting of Board and erfholders.

Chairman, Vice-Chairman, or member elected by majority, to preside, to vote, and have casting vote at meeting of Board or erfholders.

Majority of votes at meeting of ervenholders to prevail, seven erfholders to form quorum.

Cases in which Trustee shall be held to have vacated his seat and cease to be member of Board.

Responsibility for acts done continues.

Course to be followed if number of Trustees less than seven.

Board empowered to lease lands vested in them.

Mount Moreland.

Aggregate lease at one time not to exceed 1,500 acres.

Lease to be by public auction for not less than twenty or more than fifty acres each.

Conditions of lease.

Leases for building purposes not less than two acres, term not to exceed 99 years.

Conditions of lease.

Rent.

Buildings to be erected.

Application for reduction, remission, or rebate of rent, to be determined by ervenholders at general meeting.

unless with the special consent of the *cestui que* trust or owners of erven as aforesaid at Mount Moreland: Provided always, that the land leased shall not, at any one time, exceed in the aggregate 1,500 acres: Provided further that such leases shall be disposed of by public auction in lots of not less than twenty or more than fifty acres each, and so as there be obtained the best yearly rent or rents that can be reasonably had without taking anything in the nature of a fine or premium; and so as there be contained in every such lease a covenant on the part of the lessee to erect and maintain good and suitable fences, failing which he shall not be entitled to recover damages from any erf-holder of Mount Moreland for or in respect of trespass of any cattle; and so as there be contained in every such lease a condition of re-entry for non-payment, within a reasonable time to be therein specified, of the rent or rents thereby reserved; and so as the lessee or lessees do execute a counterpart thereof, and do thereby covenant for the due payment of the rent or rents thereby reserved.

10. The said Board may lease for building purposes any portion of the lands vested in them, and proper for the erection of any houses or other buildings thereupon, in lots of not less than two acres in extent, and for any term not exceeding ninety-nine years: Provided that each such lease shall be disposed of by public auction: Provided also that each such lease shall be by deed, and be made to take effect in possession not later than twelve months after its date. Each such lease shall reserve the best yearly rent that can reasonably be obtained without taking anything in the nature of a fine or premium, and regard being had to any money laid out, or to be laid out, for the benefit of the land, and generally to the circumstances of the case. A peppercorn rent, or a nominal or other rent less than the rent ultimately payable, may be made payable for the first five years, or any less part of the term. Each such lease shall contain a covenant by the lessee for payment of the rent and a condition of re-entry on the rent not being paid within a time therein specified. Each such building lease shall be made partly in consideration of the lessee agreeing to erect buildings, and shall contain such further and other covenants, conditions, and stipulations as the Board may from time to time find expedient.

11. The erven-holders in general meeting assembled, duly convened for that purpose, shall in their own absolute discretion have full power and authority, upon just cause to them appearing, to hear and determine any and every application which may be made by any lessee and addressed in writing to the Secretary of the Board of Trustees for a reduction, remission, or rebate of any rent due and payable, or to become due and payable under the conditions of any lease granted under or recognised by the provisions of this Law. And whereas the Board of Trustees have heretofore, with the authority and sanction of a majority of erven-holders, at meetings duly convened for that purpose, granted such rebate of rent upon just cause to them appearing: And whereas doubts have arisen as to the competency of the Board to grant such rebate: Be it therefore enacted, that the said Board of Trustees be, and they are hereby,

Mount Moreland.

individually and collectively, indemnified and held harmless against any proceedings at law calling in question the validity of any such rebate; and such rebates are hereby ratified and confirmed, and declared to be as valid and effectual as if they had been granted under the provisions of this Law.

Board of Trustees indemnified for past grants of rebates and action in that behalf confirmed.

12. The Board of Trustees are hereby empowered to prospect, probe, and bore for minerals in and upon any of the Town Lands or Commonage of Mount Moreland not at the time of such prospecting, probing, and boring subject to any lease granted under the provisions of this Law, and to prospect, probe, and bore for minerals, in and upon such parts of the Town Lands or Commonage as may be subject to any lease or leases: Provided the consent of the lessee or lessees has been obtained thereto, and to do all acts and employ all such persons as are necessary for the purposes of such prospecting, probing, or boring for the discovery of minerals: Provided always, that such prospecting, probing, and boring have been previously authorised by a meeting of erf-holders duly convened for that purpose, and that the expenses entailed by such prospecting, probing, and boring are authorised and approved by the said erf-holders.

Board empowered to prospect, probe, and bore for minerals.

Authority to be given by erf-holders and expenses entailed approved.

13. The Board of Trustees may in their discretion grant, from time to time, to any person or company applying for the same, licenses to search and dig for minerals, and leases of mines and minerals lying and being in and under any portions of the said Town Lands or Commonage, and of as much land as may be necessary and required for the proper opening and working of the same: Provided, however, that no such license or lease shall be granted in reference to land already leased for agricultural or other purposes as contemplated by this Law, unless with the previous consent in writing of the lessee or lessees whose claims, if any, to compensation shall, in the absence of any agreement, be referred to the arbitration of two indifferent persons nominated by the said Board and the said lessee respectively, and whose decision, or that of their umpire, shall be binding and conclusive: Provided that the said arbitrators shall be respectively named in the written consent of the lessee, and in an indorsement thereon to be made by the Chairman of the Board of Trustees.

Leases may be granted by Board to search and dig for minerals, and of mines and minerals on lands not already leased for other purposes, and on such lands with consent of lessee; arbitrators to decide on compensation.

14. Every such lease shall be granted for such term of years, and upon and subject to such terms and conditions, and under such restrictions as to payment of rent and royalty, and for effectually working such mines, and such further and other conditions, covenants, and reservations, as are usually contained in mining leases.

Period for which lease shall be granted.

Lease subject to usual conditions.

15. The said Board shall be and they are hereby empowered from time to time, as and when they may see fit so to do, to dispose, either by public competition or otherwise, of any wood or bush upon or from the lands vested in them, contained within the sub-division marked B, and such portions of the sub-division marked A as the said Board is by this Law empowered to let on lease, and any wood or brush on the unleased portions of the sub-division marked A, shall be reserved for the household purposes of erf-holders of Mount

Wood or bush may be disposed of by Board from sub-division B and portion of A which Board is empowered to lease.

Bush on unleased portion

Mount Moreland.

of A reserved
for household
purposes of
ervenholders.

Rents, proceeds,
and moneys
accruing under
law vested in
Board for benefit
of ervenholders.

Expenses of
passing this law
to be reimbursed
out of moneys
arising there-
from.

One-eighth of
profits arising
from rents and
sale of wood in
each year may
be used to main-
tain roads, sur-
plus to be
appropriated
amongst erf-
holders as may
be by them
determined.

Statement of
accounts to be
framed on 30th
November each
year. Meeting
of ervenholders
to be convened
to pass accounts
and sanction
distribution of
surplus funds,
&c.

Books to be
kept.

Chairman or
Vice-Chairman
under seal of
Board to execute
acts of Board.

Acts, orders,
and proceedings
to be entered in
book.

Books to be
taken as
evidence in
Courts of Law.

Moreland, who have the right of pasturage over the said Town Lands or Commonage, such wood or bush to be cut and removed only in terms of any rule, regulation or by-law made and in force under the authority of this Law.

16. All rents, proceeds, and moneys, accruing under this Law shall be vested in the said Board for the benefit of the said erf-holders for the time being, to be used, administered, and disposed of by the said Board in performance of the trust by this Law reposed in them.

17. The expenses of procuring the passing of this Law shall be reimbursed and paid out of the moneys to arise by virtue of this Law.

18. The said Board shall be, and they are hereby, authorised and empowered to expend annually for the construction and maintenance of roads through the said Town Lands, a sum or sums of money not exceeding one-eighth of the net profits arising from rents and sale of wood in each year, and all surplus moneys shall be appropriated amongst the erf-holders in such manner as may be determined by any special meeting of erf-owners duly convened for that purpose. It shall be the duty of the Board to frame a statement of the accounts of the Trust ending with the Thirtieth day of November in each and every year, and as soon thereafter as may be to convene a meeting of the registered erven-holders enjoying the right of commonage aforesaid in order to present the said accounts. And at such meeting so convened as aforesaid, the distribution of any surplus funds or profits arising from the administration of the Trust property, and shown in the accounts of the preceding twelve months, shall and may be determined upon.

19. The said Board shall, and they are hereby required from time to time to have a book or books provided and kept in which shall be entered true and regular accounts of all sums of money received, paid, or expended for or on account of the purposes of this Law, and of the several matters or things for which such sums of money shall have been disbursed and paid; and such book or books shall, at all reasonable times, be open to the inspection of every such erf-owner as aforesaid, without fee or reward.

20. All acts requiring execution by or on behalf of the Board shall be sufficiently executed by the chairman or vice-chairman under the common seal of the Board.

21. All acts, orders, and proceedings of the said erf-owners and of the said Board, at any of their meetings, shall be entered in a book to be kept for that purpose, and shall be signed by the chairman or vice-chairman; and all such acts, orders, and proceedings shall then be deemed to be original acts, orders, and proceedings; and such books shall and may be produced and read as *prima facie* evidence of all such acts, orders, and proceedings, upon any trial or information, or any proceedings, civil or criminal, and in any court or courts of law whatsoever.

Mount Moreland.

22. It shall be lawful for the Board of Trustees from time to time to appoint some fit and proper person, not being a member of the Board, to be Secretary, and also to appoint such other officers as they may deem requisite and necessary, the better to enable them to perform the duties of the trust and carry into execution the provisions of this Law, and such Secretary and other officers shall respectively hold office during pleasure, and may at any time be discharged by the said Board if the said Board see cause. The Board is empowered to pay to such Secretary and other officers such salaries as the Board may deem reasonable, and such salaries and all other expenses incurred in the carrying out of the duties entrusted to the Board shall be defrayed out of the funds arising under the provisions of this Law out of the trust property.

Board may appoint Secretary and other necessary officers to hold office during pleasure, and may pay salaries.

How salaries and expenses defrayed.

23. The register of erf-holders kept by the Board of Trustees shall be conclusive evidence as between the persons interested in the said Town Lands as to the persons entitled to vote at all meetings of erf-holders, and to participate from time to time in the distribution of the moneys belonging to the said trust, and no person not being such registered erf-holder, shall be entitled to claim any share of funds arising or derived from the said trust lands, or the beneficial occupation or use thereof, and the effect of registration shall be to empower any such registered erf-holder to enjoy the rights and privileges of an erf-holder from and after the date of such registration, but not before.

Register conclusive evidence of persons entitled to vote. Effect of registration.

24. The Registrar of Deeds shall, on the First day of December in each and every year, transmit to the Chairman of the Board of Trustees, a list, in writing, setting forth the name of every person making transfer, the name of the transferee, and the amount of the purchase price in respect of all erven transferred during the preceding twelve months, and situated and being within the township of Mount Moreland, and having the right of commonage thereunto annexed: Provided always that for every such transfer specified in such list the Board shall pay to the Registrar of Deeds a fee of one shilling.

Return of transfers in each year to be sent by Registrar of Deeds to Board.

Fee payable.

25. The said Board shall have power and authority to make, and also to repeal or alter, all such by-laws, rules, and orders touching and concerning the use of the said Town Lands by persons entitled to use the same, and the custody and management thereof, and the prevention of trespass thereon, and the income and property thereof, and any other matter or thing relative to the same, as to them may seem fit for the effectual attainment of the objects of the said Town Lands, the security and general management of the trust property so vested in the said Board, and the proper carrying out of this Law and the more effectual exercise of the powers and authorities hereby given, and also for the ordering of their proceedings, for conducting the elections of new trustees, for convening and holding meetings of the said erf-holders; and all such by-laws, rules, and orders shall be subject to the approval of the said erf-owners at a special meeting to be convened for that purpose: Provided always, that the by-laws at present in use shall, until repealed, altered, or amended, be

Power to make By-laws.

By-laws at present in use

Mount Moreland.—Tolls in Borough of Durban.

to be deemed
By-laws until
repealed, altered,
or amended.

Application of
Law.

Law to be
deemed public
Law.

Short title

Commencement
of Law.

deemed to be by-laws under the provisions of this Law, and are hereby, where not in conflict with the provisions of this Law, confirmed accordingly.

26. Nothing in this Law contained shall be deemed to affect or apply to any right, title, or interest of Her Majesty, her heirs, or successors, or of any body or bodies politic or corporate, or of any person or persons other than and except such as are mentioned in this Law, and those claiming by, from, or under them respectively.

27. This Law shall be deemed and taken to be a public Law, and shall be judicially taken notice of as such by all judges, magistrates, and others, with or without being specially pleaded.

28. This Law may be cited for all purposes as "The Mount Moreland Town Lands Law, 1886."

29. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 18th day of January, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

LAW No. 7, 1887.

(Signed) A. E. HAVELOCK.

To authorise the Town Council of the Borough of Durban to erect Side-bars at certain places.

Preamble.

WHEREAS by Law No. 18 of 1880, the Town Council of the Borough of Durban is authorised and empowered to levy certain Tolls and to erect Toll-bars and Side-bars upon certain named roads and streets :

And whereas the authorised Tolls are in certain cases evaded, and will continue to be evaded, unless Side-bars are set up at places elsewhere than on the roads and streets referred to in the said Law :

And whereas it is expedient to authorise the said Town Council to put up Side-bars to prevent the evasion of the said Tolls :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Authorises Town
Council to erect
side bars when
road described is
hardened and
fit for traffic,
such side bars
subject to pro-
visions of Law
18, 1880.

1. The said Town Council shall be, and it is hereby, authorised to erect Side-bars within the Borough and within one hundred feet of the Borough boundary near Overport, for the purpose of preventing evasions of the Tolls authorised by the said Law, as soon as the road extending from the Borough boundary, near the Overport Lodge, to the junction of the Essenwood Road with the Sydenham Road, shall be hardened and made fit for traffic ; and such Side-bars when so

Tolls in Borough of Durban.—Bills of Exchange, &c.

erected shall be considered and deemed Side-bars erected and constructed under and subject to the provisions of Law No. 18, 1880.

2. This Law shall be read and construed together with the said Law No. 18, 1880, as one Law, and shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Law 18, 1880, to be construed with this Law. Commencement of Law.

Given at Government House, Natal, this 18th day of January, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

LAW No. 8, 1887.

(Signed) A. E. HAVELOCK.

To declare the Law relating to Bills of Exchange, Cheques, and Promissory Notes.

WHEREAS it is desirable to assimilate in certain respects the Law of Natal relating to Bills of Exchange, Cheques, and Promissory Notes to that of the United Kingdom of Great Britain and Ireland, and to declare the same by Law:

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

PART I.

PRELIMINARY.

1. In this Law, unless the context otherwise requires—
“Acceptance” means an acceptance completed by delivery or notification.

Interpretation of terms.

“Action” includes a counter claim, claim in reconvention, and set off.

“Banker” includes a body of persons, whether incorporated or not, who carry on the business of banking.

“Bankrupt” includes any person whose estate is vested in a Trustee or Assignee, under the Laws for the time being in force in Natal relating to bankruptcy, insolvency, or assignment.

“Bearer” means the person in possession of a bill or note which is payable to bearer.

“Bill” means bill of exchange, and

“Note” means promissory note.

“Delivery” means transfer of possession, actual or constructive, from one person to another.

“Holder” means the payee or endorsee of a bill or note, who is in possession of it, or the bearer thereof.

Bills of Exchange, &c.

"Indorsement" means an indorsement completed by delivery.

"Issue" means the first delivery of a bill or note, complete in form, to a person who takes it as a holder.

"Person" includes a body of persons, whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and

"Writing" includes print.

"Stamped Paper" means paper upon which a stamp has been impressed.

PART II.

BILLS OF EXCHANGE.—FORM AND INTERPRETATION.

Bill of Exchange defined.

2: (1) A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to, or to the order of, a specified person, or to bearer.

(2) An instrument which does not comply with these conditions, or which orders any act to be done in addition to the payment of money, is not a bill of exchange.

(3) An order to pay out of a particular fund is not unconditional within the meaning of this section ; but an unqualified order to pay, coupled with

(a) An indication of a particular fund out of which the drawee is to re-imburse himself, or a particular account to be debited with the amount, or

(b) A statement of the transaction which gives rise to the bill, is unconditional.

(4) A bill is not invalid by reason

(a) That it is not dated ;

(b) That it does not specify the value given, or that any value has been given therefor ;

(c) That it does not specify the place where it is drawn, or the place where it is payable.

Inland and foreign bills.

3. (1) An inland bill is a bill which is, or on the face of it purports to be, both drawn and payable within the Colony of Natal.

Any other bill is a foreign bill.

Effect where different parties to the bill are the same person.

4. (1) A bill may be drawn payable to, or to the order of, the drawer ; or it may be drawn payable to, or to the order of, the drawee.

(2) Where in a bill, drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument at his option, either as a bill of exchange or as a promissory note.

Address to drawee.

5. (1) The drawee must be named or otherwise indicated in a bill with reasonable certainty.

Bills of Exchange, &c.

(2) A bill may be addressed to two or more drawees whether they are partners or not, but an order addressed to two drawees in the alternative, or to two or more drawees in succession, is not a bill of exchange.

6. (1) Where a bill is not payable to bearer, the payee must be named or otherwise indicated therein with reasonable certainty.

Certainty
required as to
payee.

(2) A bill may be made payable to two or more payees jointly, or it may be made payable in the alternative to one of two, or one or some of several payees. A bill may also be made payable to the holder of an office for the time being.

(3) Where the payee is a fictitious or non-existing person, the bill may be treated as payable to bearer.

7. (1) When a bill contains words prohibiting transfer, or indicating an intention that it should not be transferable, it is valid as between the parties thereto, but is not negotiable.

What bills are
negotiable.

(2) A negotiable bill may be payable either to order or to bearer.

(3) A bill is payable to bearer which is expressed to be so payable, or on which the only or last indorsement is an indorsement in blank.

(4) A bill is payable to order which is expressed to be so payable, or which is expressed to be payable to a particular person, and does not contain words prohibiting transfer or indicating an intention that it should not be transferable.

(5) Where a bill, either originally or by indorsement, is expressed to be payable to the order of a specified person, and not to him or his order, it is nevertheless payable to him or his order at his option.

8. (1) The sum payable by a bill is a sum certain within the meaning of this Law, although it is required to be paid—

Sum payable.

(a) With interest.

(b) By stated instalments.

(c) By stated instalments, with a provision that upon default in payment of any instalment, the whole shall become due.

(d) According to an indicated rate of exchange to be ascertained as directed by the bill.

(2) Where the sum payable is expressed in words and also in figures, and there is a discrepancy between the two, the sum denoted by the words is the amount payable.

(3) Where a bill is expressed to be payable with interest, unless the instrument otherwise provides, interest runs from the date of the bill, and if the bill is undated, from the issue thereof.

9. (1) A bill is payable on demand—

Bill payable on
demand.

(a) Which is expressed to be payable on demand, or at sight, or on presentation ; or

(b) In which no time for payment is expressed.

(2) Where a bill is accepted or endorsed when it is overdue, it shall, as regards the acceptor who so accepts, or any indorser who so indorses it, be deemed a bill payable on demand.

Bills of Exchange, &c.

Bill payable at a future time.

10. A bill is payable at a determinable future time within the meaning of this Law which is expressed to be payable—

(1) At a fixed period after date or sight.

(2) On or at a fixed period after the occurrence of a specified event which is certain to happen, though the time of happening may be uncertain.

An instrument expressed to be payable on a contingency is not a bill, and the happening of the event does not cure the defect.

Omission of date in bill payable after date.

11. Where a bill expressed to be payable at a fixed period after date is issued undated, or where the acceptance of a bill payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the bill shall be payable accordingly: Provided that

(1) Where the holder in good faith and by mistake inserts a wrong date, and

(2) In every case where a wrong date is inserted, if the bill subsequently comes into the hands of a holder in due course, the bill shall not be avoided thereby, but shall operate and be payable as if the date so inserted had been the true date.

Antedating and post dating.

12. (1) Where a bill or an acceptance or any indorsement on a bill is dated, the date shall, unless the contrary be proved, be deemed to be the true date of the drawing, acceptance or indorsement, as the case may be.

(2) A bill is not invalid by reason only that it is ante-dated, or post-dated, or that it bears date on a Sunday.

Computation of time of payment.

13. Where a bill is not payable on demand, the day on which it falls due is determined as follows :—

1. When the day on which it falls due is a Sunday, Christmas Day, New Year's Day, Good Friday, Easter Monday, Whit Monday, the Queen's Birthday, Michaelmas Day, All Saints' Day, or any day appointed by Proclamation of the Governor of the Colony as solemn fast or day of thanksgiving, the bill is due and payable on the succeeding business day in terms of Law No. 15, of 1862.

(2) There are no days of grace in this Colony.

(3) Where a bill is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the day of payment.

(4) Where a bill is payable at a fixed period after sight, the time begins to run from the date of the acceptance if the bill be accepted, and from the date of noting or protest, if the bill be noted or protested for non-acceptance or for non-delivery.

(5) The term month in a bill means calendar month.

Case of need.

14. The drawer of a bill and any indorser may insert therein the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonoured by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may think fit.

Bills of Exchange, &c.

15. The drawer of a bill, and any indorser, may insert therein an express stipulation—

Optional stipulations by drawer or indorser.

- (1) Negating or limiting his own liability to the holder ;
- (2) Waiving as regards himself some or all of the holders' duties.

16. (1) The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer.

Definition and requisites of acceptance.

(2) An acceptance is invalid unless it complies with the following conditions, namely :—

(a) It must be written on the bill and be signed by the drawee. The mere signature of the drawee without additional words is sufficient.

(b) It must not express that the drawee will perform his promise by any other means than the payment of money.

17. A bill may be accepted—

Time for acceptance.

(1). Before it has been signed by the drawer, or while otherwise incomplete.

(2). When it is overdue, or after it has been dishonoured by a previous refusal to accept, or by non-payment.

(3). When a bill payable after sight is dishonoured by non-acceptance, and the drawee subsequently accepts it, the holder in the absence of any different agreement, is entitled to have the bill accepted as of the date of first presentment to the drawee for acceptance.

General and qualified acceptances.

18. (1) An acceptance is either—

(a) General ; or (b) Qualified.

(2) A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn. In particular an acceptance is qualified which is—

(a) Conditional, that is to say, which makes payment by the acceptor dependent on the fulfilment of a condition therein stated :

(b) Partial, that is to say, an acceptance to any part only of the amount for which the bill is drawn :

(c) Local, that is to say, an acceptance to pay only at a particular specified place :

An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere :

(d) Qualified as to time :

(e) The acceptance of some one or more of the drawees but not of all.

19. (1) Where a simple signature on a blank stamp paper is delivered by the signer in order that it may be converted into a bill, it operates as a *prima facie* authority to fill it up as a complete bill for any amount the stamp will cover, using the signature for that of the drawer, or the acceptor, or an indorser ; and, in like manner, when a bill is wanting in any material particular, the person in possession of it has a *prima facie* authority to fill up the omission in any way he thinks fit.

Inchoate instruments.

Bills of Exchange, &c.

(2) In order that any such instrument when completed may be enforceable against any person who became a party thereto prior to its completion, it must be filled up within a reasonable time, and strictly in accordance with the authority given. Reasonable time for this purpose is a question of fact :

Provided that if any such instrument after completion is negotiated to the holder in due course it shall be valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up within a reasonable time, and strictly in accordance with the authority given.

Delivery.

20. (1) Every contract on a bill, whether it be the drawer's, the acceptor's, or an indorser's, is incomplete and revocable, until delivery of the instrument in order to give effect thereto :

Provided that where an acceptance is written on a bill, and the drawee gives notice to or according to the directions of the person entitled to the bill that he has accepted it, the acceptance then becomes complete and irrevocable.

(2) As between immediate parties, and as regards a remote party other than a holder in due course, the delivery—

(a) In order to be effectual must be made either by or under the authority of the party drawing, accepting, or indorsing, as the case may be.

(b) May be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the bill. But if the bill be in the hands of a holder in due course a valid delivery of the bill by all parties prior to him so as to make them liable to him is conclusively presumed.

(3) Where a bill is no longer in the possession of a party who has signed it as a drawer, acceptor, or indorser, a valid and unconditional delivery by him is presumed until the contrary is proved.

CAPACITY AND AUTHORITY OF PARTIES.**Capacity of parties.**

21. (1) Capacity to incur liability as a party to a bill is co-extensive with capacity to contract : Provided that to the validity of a bill of exchange, accepted or indorsed by a woman, the explanation, insertion, or renunciation of the benefits *senatus consulti vellejani*, and *authentica si qua mulier*, shall not be requisite : Provided also that nothing in this section shall enable a Corporation to make itself liable as drawer, acceptor, or indorser, of a bill unless it is competent to it so to do under the Law for the time being in force relating to Corporations.

(2) Where a bill is drawn or indorsed by an infant, minor, or Corporation having no capacity or power to incur liability on a bill, the drawing or indorsement entitles the holder to receive payment of the bill, and to enforce it against any other party thereto.

Signature essential to liability.

22. No person is liable as drawer, indorser, or acceptor of a bill who has not signed it as such : Provided that—

(1) Where a person signs a bill in a trade or assumed name he is liable thereon as if he had signed it in his own name.

Bills of Exchange, &c.

(2) The signature of the name of a firm is equivalent to the signature by the person so signing of the names of all persons liable as partners of that firm.

23. Subject to the provisions of this Law, where a signature on a bill is forged or placed thereon without the authority of the person whose signature it purports to be, the forged or unauthorised signature is wholly inoperative, and no right to retain the bill or to give a discharge therefor or to enforce payment thereof against any party thereto can be acquired through or under that signature, unless the party against whom it is sought to retain or enforce payment of the bill is precluded from setting up the forgery or want of authority: Provided that nothing in this section shall affect the ratification of an unauthorised signature not amounting to a forgery.

Forged or
unauthorised
signature.

24. A signature by procuration operates as notice that the agent has but a limited authority to sign, and the principal is only bound by such signature if the agent in so signing was acting within the actual limits of his authority.

Procuration
signature.

25. (1) Where a person signs a bill as drawer, indorser, or acceptor, and adds words to his signature, indicating that he signs for or on behalf of a principal, or in a representative character, he is not personally liable thereon.

Person signing
as agent or in
representative
capacity.

(2) In determining whether a signature on a bill is that of the principal or that of the agent by whose hand it is written, the construction most favourable to the validity of the instrument shall be adopted.

THE CONSIDERATION OF A BILL.

26. (1) Valuable consideration for a bill may be constituted by—

Value and
holder for value.

- (a) Any consideration sufficient to support a simple contract;
- (b) An antecedent debt or liability. Such a debt or liability is deemed valuable consideration whether the bill is payable on demand or at a future time.

(2) Valuable consideration for a bill is not necessary to entitle the holder to sue therefor.

(3) Where value has at any time been given for a bill, the holder is deemed to be a holder for value as regards the acceptor and all parties to the bill who became parties prior to such time.

(4) Where the holder of a bill has a lien on it, arising either from contract or by implication of law, he is deemed to be a holder for value to the extent of the sum for which he has a lien.

27. (1) An accommodation party to a bill is a person who has signed a bill as drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person.

Accommodation
bill or party.

(2) An accommodation party is liable on the bill to a holder for value; and it is immaterial whether, when such holder took the bill, he knew such party to be an accommodation party or not.

Bills of Exchange, &c.

Holder in due course.

28. (1). A holder in due course is a holder who has taken a bill, complete and regular on the face of it, under the following conditions, namely :

- (a) That he became the holder of it before it was overdue, and without notice that it had been previously dishonoured, if such was the fact :
- (b) That he took the bill in good faith and for value, and that at the time the bill was negotiated to him he had no notice of any defect in the title of the person who negotiated it.

(2) In particular, the title of a person who negotiates a bill is defective within the meaning of this Law when he obtained the bill, or the acceptance thereof, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to fraud.

(3) A holder whether for value or not who derives his title to a bill through a holder in due course, and who is not himself a party to any fraud or illegality affecting it, has all the rights of that holder in due course as regards the acceptor and all parties to the bill prior to that holder.

Presumption of value and good faith.

29. (1) Every party whose signature appears on a bill is *prima facie* deemed to have become a party thereto for value.

(2) Every holder of a bill is *prima facie* deemed to be a holder in due course ; but if in an action on a bill it is admitted or proved that the acceptance, issue, or subsequent negotiation of the bill is affected with fraud, duress, or force and fear, or illegality, the burden of proof is shifted, unless and until the holder proves that, subsequent to the alleged fraud or illegality value has in good faith been given for the bill.

NEGOTIATION OF BILLS.

Negotiation of bill.

30. (1) A bill is negotiated when it is transferred from one person to another in such a manner as to constitute the transferee the holder of the bill.

(2) A bill payable to bearer is negotiated by delivery.

(3) A bill payable to order is negotiated by the indorsement of the holder completed by delivery.

(4) Where the holder of a bill payable to his order transfers it for value without endorsing it, the transfer gives the transferee such title as the transferor had in the bill, and the transferee in addition acquires the right to have the indorsement of the transferor.

(5) Where any person is under obligation to indorse a bill in a representative capacity, he may indorse the bill in such terms as to negative personal liability.

Requisites of a valid endorsement.

31. An indorsement in order to operate as a negotiation must comply with the following conditions, namely :—

(1) It must be written on the Bill itself and be signed by the indorser. The simple signature of the indorser on the bill, without additional words, is sufficient.

Bills of Exchange, &c.

An indorsement written on an allonge or on a "copy" of a bill issued or negotiated in a country where "copies" are recognised, is deemed to be written on the bill itself.

(2) It must be an indorsement of the entire bill. A partial indorsement, that is to say, an indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the bill to two or more indorsees severally, does not operate as a negotiation of the bill.

(3) Where a bill is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

(4) Where in a bill payable to order, the payee or indorsee is wrongly designated, or his name is mis-spelt, he may indorse the bill as therein described, adding, if he think fit, his proper signature.

(5) Where there are two or more indorsements on a bill, each indorsement is deemed to have been made in the order in which it appears on the bill, until the contrary is proved.

(6) An indorsement may be made in blank or special. It may also contain terms making it restrictive.

32. Where a bill purports to be indorsed conditionally, the condition may be disregarded by the payer, and payment to the indorsee is valid whether the condition has been fulfilled or not.

Conditional
indorsement.

33. (1) An indorsement in blank specifies no indorsee, and a bill so indorsed becomes payable to bearer.

Indorsement
in blank and
special indorse-
ment.

(2) A special indorsement specifies the person to whom, or to whose order, the bill is to be payable.

(3) The provisions of this Law relating to a payee apply with the necessary modifications to an indorsee under a special indorsement.

(4) When a bill has been indorsed in blank, any holder may convert the blank indorsement into a special indorsement by writing above the indorser's signature a direction to pay the bill to, or to the order of, himself or some other person.

34. (1) An indorsement is restrictive which prohibits the further negotiation of the bill, or which expresses that it is a mere authority to deal with the bill as thereby directed, and not a transfer of the ownership thereof, as, for example, if a bill be endorsed "Pay D. only," or "Pay D. for the account of X.," or "Pay D. or order for collection."

Restrictive
indorsement.

(2) A restrictive indorsement gives the indorsee the right to receive payment of the bill, and to sue any party thereto that his indorser could have sued, but gives him no power to transfer his rights as indorsee unless it expressly authorise him to do so.

(3) Where a restrictive indorsement authorises further transfer, all subsequent indorsees take the bill with the same rights, and subject to the same liabilities, as the first indorsee under the restrictive indorsement.

35. (1) Where a bill is negotiable in its origin it continues to be negotiable until it has been—

Negotiation of
overdue or dis-
honoured bill.

(a) Restrictively endorsed, or

(b) Discharged by payment or otherwise.

Bills of Exchange, &c.

(2) Where an overdue bill is negotiated, it can only be negotiated subject to any defect of title affecting it at its maturity, and thenceforward no person who takes it can acquire or give a better title than that which the person from whom he took it had.

(3) A bill payable on demand is deemed to be overdue within the meaning, and for the purposes, of this section when it appears on the face of it to have been in circulation for an unreasonable length of time. What is an unreasonable length of time for this purpose is a question of fact.

(4) Except where an endorsement bears date after the maturity of the bill, every negotiation is *prima facie* deemed to have been effected before the bill was overdue.

(5) Where a bill which is not overdue has been dishonoured, any person who takes it with notice of the dishonour takes it subject to any defect of title attaching thereto at the time of dishonour; but nothing in this sub-section shall affect the rights of a holder in due course.

Negotiation of
bill to party
already liable
thereon.

36. Where a bill is negotiated back to the drawer, or to a prior indorser, or to the acceptor, such party may, subject to the provisions of this Law, re-issue and further negotiate the bill, but he is not entitled to enforce payment of the bill against any intervening party to whom he was previously liable.

Rights of the
holder.

37. The rights and powers of the holder of the bill are as follows :—

(1) He may sue on the bill in his own name.

(2) Where he is a holder in due course, he holds the bill free from any defect of title of prior parties, as well as from mere personal defences available to prior parties among themselves, and may enforce payment against all parties liable on the bill.

(3) Where his title is defective—

(a) If he negotiates the bill to a holder in due course that holder obtains a good and complete title to the bill; and

(b) If he obtains payment of the bill the person who pays him in due course gets a valid discharge for the bill.

GENERAL DUTIES OF THE HOLDER.

When present-
ment for
acceptance is
necessary.

38. (1) Where a bill is payable after sight, presentment for acceptance is necessary in order to fix the maturity of the instrument.

(2) Where a bill expressly stipulates that it shall be presented for acceptance, or where a bill is drawn payable elsewhere than at the residence or place of business of the drawee, it must be presented for acceptance before it can be presented for payment.

(3) In no other case is presentment for acceptance necessary in order to render liable any party to the bill.

(4) Where the holder of a bill drawn, payable elsewhere than at the place of business or residence of the drawee, has not time, with the exercise of reasonable diligence, to present the bill for acceptance before presenting it for payment on the day that it falls due, the

Bills of Exchange, &c.

delay caused by presenting the bill for acceptance before presenting it for payment is excused, and does not discharge the drawer and endorsers.

39. (1) Subject to the provisions of this Law, when a bill payable after sight is negotiated, the holder must either present it for acceptance or negotiate it within a reasonable time.

Time for presenting bill payable after sight.

(2) If he do not do so, the drawer and all indorsers prior to that holder are discharged.

(3) In determining what is a reasonable time within the meaning of this section, regard shall be had to the nature of the bill, the usage of trade with respect to similar bills, and the facts of the particular case.

40. (1) A bill is duly presented for acceptance which is presented in accordance with the following rules :—

Rules as to presentment for acceptance and excuses for non-presentment.

(a) The presentment must be made by or on behalf of the holder to the drawee or to some person authorised to accept or refuse acceptance on his behalf, at a reasonable hour on a business day and before the bill is overdue.

(b) Where a bill is addressed to two or more drawees, who are not partners, presentment must be made to them all, unless one has authority to accept for all, then presentment may be made to him only.

(c) Where the drawee is dead, presentment may be made to his personal representative.

(d) Where the drawee is bankrupt, or has assigned his estate, presentment may be made to him or his trustee.

(e) A presentment through the post office, if in due course, is sufficient.

(2) Presentment in accordance with these rules is excused, and a bill may be treated as dishonoured by non-acceptance—

(a) Where the drawee is dead or bankrupt, or is a fictitious person, or a person not having capacity to contract by bill.

(b) Where after the exercise of reasonable diligence such presentment cannot be effected.

(c) Where although the presentment has been irregular, acceptance has been refused on some other ground.

(3) The fact that the holder has reason to believe that the bill, on presentment, will be dishonoured does not excuse presentment.

41. When a bill is duly presented for acceptance, and is not accepted within the customary time, the person presenting it must treat it as dishonoured by non-acceptance. If he do not, the holder shall lose his right of recourse against the drawer and indorsers.

Non-acceptance.

42. (1) A bill is dishonoured by non-acceptance :—

Dishonour by non-acceptance and its consequences.

(a) When it is duly presented for acceptance, and such an acceptance as is prescribed by this Law is refused or cannot be obtained ; or

(b) When presentment for acceptance is excused and the bill is not accepted,

Bills of Exchange, &c.

(2) Subject to the provisions of this Law when a bill is dishonoured by non-acceptance, an immediate right of recourse against the drawer and indorsers accrues to the holder, and no presentment for payment is necessary.

Duties as to
qualified
acceptances.

43. (1) The holder of a bill may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance may treat the bill as dishonoured by non-acceptance.

(2) Where a qualified acceptance is taken, and the drawer or an endorser has not expressly or impliedly authorised the holder to take a qualified acceptance, or does not subsequently assent thereto, such drawer or endorser is discharged from his liability on the bill.

The provisions of this sub-section do not apply to partial acceptance whereof due notice has been given. Where a foreign bill has been accepted as to part, it must be protested as to the balance.

(8) When the drawer or indorser of a bill receives notice of a qualified acceptance, and does not within a reasonable time express his dissent to the holder, he shall be deemed to have assented thereto.

Rules as to
presentment
for payment.

44. Subject to the provisions of this Law a bill must be duly presented for payment. If it be not so presented the drawer and indorsers shall be discharged. A bill is duly presented for payment which is presented in accordance with the following rules:—

(1.) Where the bill is not payable on demand, presentment must be made on the day it falls due.

(2) Where the bill is payable on demand, then, subject to the provisions of this Law, presentment must be made within a reasonable time after its issue in order to render the drawer liable, and within a reasonable time after its indorsement in order to render the indorser liable. In determining what is a reasonable time, regard shall be had to the nature of the bill, the usage of trade with regard to similar bills, and the facts of the particular case.

(8) Presentment must be made by the holder, or by some person authorised to receive payment on his behalf, at a reasonable hour on a business day, at the proper place as hereinafter defined, either to the person designated by the bill as payer, or to some person authorised to pay or refuse payment on his behalf, if with the exercise of reasonable diligence such person can there be found.

(4) A bill is presented at the proper place:—

(a) Where a place of payment is specified in the bill, and the bill is there presented.

(b) Where no place of payment is specified, but the address of the drawee or acceptor is given in the bill, and the bill is there presented.

(c) Where no place of payment is specified and no address given, and the bill is presented at the drawee's or acceptor's place of business, if known, and if not, at his ordinary residence, if known.

(d) In any other case, if presented to the drawee or acceptor wherever he can be found, or if presented at his last known place of business or residence.

Bills of Exchange, &c.

(5) Where a bill is presented at the proper place, and after the exercise of reasonable diligence no person authorised to pay or refuse payment can be found there, no further presentment to the drawee or acceptor is required.

(6) Where a bill is drawn upon, or accepted by two or more persons who are not partners, and no place of payment is specified, presentment must be made to them all.

(7) Where the drawee or acceptor of a bill is dead, and no place of payment is specified, presentment must be made to a personal representative, if such there be, and, with the exercise of reasonable diligence, he can be found.

(8) A presentment through the Post Office, of in due course, is sufficient.

45. (1) Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate presentment must be made with reasonable diligence.

Excuses for delay or non-presentment for payment.

(2) Presentment for payment is dispensed with—

(a) Where, after the exercise of reasonable diligence, presentment, as required by this Law, cannot be effected. The fact that the holder has reason to believe that the bill will, on presentment, be dishonoured, does not dispense with the necessity for presentment.

(b) Where the drawee is a fictitious person.

(c) As regards the drawer, where the drawee or acceptor is not bound, as between himself and the drawer, to accept or pay the bill, and the drawer has no reason to believe that the bill would be paid if presented.

(d) As regards an endorser, where the bill was accepted or made for the accommodation of that indorser, and he has no reason to expect that the bill would be paid if presented.

(e) By waiver of presentment, express or implied.

46. (1) A bill is dishonoured by non-payment—

Dishonour by non-payment.

(a) When it is duly presented for payment and payment is refused or cannot be obtained ; or

(b) When presentment is excused and the bill is overdue and unpaid.

(2) Subject to the provisions of this Law, when a bill is dishonoured by non-payment, an immediate right of recourse against the drawer and endorsers accrues to the holder.

47. Subject to the provisions of this Law, when a bill has been dishonoured by non-acceptance or by non-payment, notice of dishonour must be given to the drawer and each endorser, and any drawer or endorser to whom such notice is not given is discharged : Provided that—

Notice of dishonour and effect of non-notice.

(1) Where a bill is dishonoured by non-acceptance, and notice of dishonour is not given, the rights of a holder in due course subsequent to the omission shall not be prejudiced by the omission.

Bills of Exchange, &c.

(2) Where a bill is dishonoured by non-acceptance, and due notice of dishonour is given, it shall not be necessary to give notice of a subsequent dishonour by non-payment unless the bill shall in the meantime have been accepted.

48. Notice of dishonour in order to be valid and effectual must be given in accordance with the following rules :—

(1) The notice must be given by or on behalf of the holder, or by or on behalf of an endorser who, at the time of giving it, is himself liable on the bill.

(2) Notice of dishonour may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

(3) Where the notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior indorsers who have a right of recourse against the party to whom it is given.

(4) Where notice is given by or on behalf of an endorser entitled to give notice as hereinbefore provided, it enures for the benefit of the holder and all indorsers subsequent to the party to whom notice is given.

(5) The notice may be given in writing or by personal communication, and may be given in any terms which sufficiently identify the bill, and intimate that the bill has been dishonoured by non-acceptance or non-payment.

(6) The return of a dishonoured bill to the drawer or an indorser is, in point of form, deemed a sufficient notice of dishonour.

(7) A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the bill shall not vitiate the notice unless the party to whom the notice is given is, in fact, misled thereby.

(8) Where notice of dishonour is required to be given to any person, it may be given either to the party himself or to his agent in that behalf.

(9) Where the drawer or indorser is dead, and the party giving notice knows it, the notice must be given to a personal representative, if such there be, and, with the exercise of reasonable diligence, he can be found.

(10) Where the drawer or indorser is bankrupt or has assigned his estate, notice may be given either to the party himself, or to the trustee or assignee.

(11) Where there are two or more drawers or indorsers who are not partners, notice must be given to each of them, unless one of them has authority to receive such notice for the others.

(12) The notice may be given as soon as the bill is dishonoured, and must be given within a reasonable time thereafter. In the absence of special circumstances, notice is not deemed to have been given within a reasonable time, unless—

(a) Where the person giving and the person to receive notice reside in the same place, the notice is given or sent off in

Rules as to
notice of
dishonour.

Bills of Exchange, &c.

time to reach the latter, on the day after the dishonour of the bill.

- (b) Where the person giving and the person to receive notice reside in different places, the notice is sent off on the day after the dishonour of the bill, if there be a post at a convenient hour on that day; and if there be no such post on that day, then by the next post thereafter.

(13) Where a bill when dishonoured is in the hands of an agent, he may either himself give notice to the parties liable on the bill, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

(14) Where a party to a bill receives due notice of dishonour, he has, after the receipt of such notice, the same period of time for giving notice to antecedent parties that the holder has after the dishonour.

(15) Where a notice of dishonour is duly addressed and posted, the sender is deemed to have given due notice of dishonour, notwithstanding any miscarriage by the post office.

49. (1) Delay in giving notice of dishonour is excused where the delay is caused by circumstances beyond the control of the party giving notice, and not imputable to his default, misconduct, or negligence.

Excuses for non-notice and delay.

When the cause of delay ceases to operate, the notice must be given with reasonable diligence.

(2) Notice of dishonour is dispensed with—

- (a) When after the exercise of reasonable diligence, notice as required by this Law cannot be given to or does not reach the drawer or indorser sought to be charged.
- (b) By waiver, express or implied, notice of dishonour may be waived before the time of giving notice has arrived, or after the omission to give due notice.
- (c) As regards the drawer in the following cases, namely—
 - (1) Where drawer and drawee are the same person.
 - (2) Where the drawee is a fictitious person, or a person not having capacity to contract.
 - (3) Where the drawer is the person to whom the bill is presented for payment.
 - (4) Where the drawer or acceptor is as between himself and the drawer under no obligation to accept or pay the bill.
 - (5) Where the drawer has countermanded payment.
- (d) As regards the indorser in the following cases, namely—
 - (1) Where the drawee is a fictitious person, or a person not having capacity to contract, and the indorser was aware of the fact at the time he endorsed the bill.

Bills of Exchange, &c.

- (2) Where the indorser is the person to whom the bill is presented for payment.
- (8) Where the bill was accepted or made for his accommodation.

Noting or
protest of
bill.

50. (1) Where an inland bill has been dishonoured it may, if the holder think fit, be noted for non-acceptance or non-payment, as the case may be; but it shall not be necessary to note or protest any such bill in order to preserve the recourse against the drawer or indorser.

(2) Where a foreign bill, appearing on the face of it to be such, has been dishonoured by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not been previously dishonoured by non-acceptance is dishonoured by non-payment, it must be duly protested for non-payment. If it be not so protested the drawer and endorers are discharged. Where a bill does not appear on the face of it to be a foreign bill, protest thereof in case of dishonour is unnecessary.

(3) A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

(4) Subject to the provisions of this Law, when a bill is noted or protested it must be noted on the day of its dishonour. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting, or may have effect as from the date of the noting.

(5) Where the acceptor of a bill becomes bankrupt or insolvent, or assigns his estate, or suspends payment before it matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

(6) A bill must be protested at the place where it is dishonoured : Provided that—

- (a) When a bill is presented through the Post Office, and returned by post dishonoured, it may be protested at the place to which it is returned, and on the day of its return, if received during business hours, and if not received during business hours, then not later than the next business day.
 - (b) When a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonoured by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.
- (7) A protest must contain a copy of the bill, and must be signed by the notary making it, and must specify—
- (a) The person at whose request the bill is protested.
 - (b) The place and date of protest, the cause or reason for protesting the bill, the demand made, and the answer given, if any, or the fact that the drawee or acceptor could not be found.

Bills of Exchange, &c.

(8) Where a bill is lost or destroyed, or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

(9) Protest is dispensed with by any circumstance which would dispense with notice of dishonour. Delay in noting or protesting is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate, the bill must be noted or protested when necessary with reasonable diligence.

51. (1) When a bill is accepted generally, presentment for payment is not necessary in order to render the acceptor liable.

Duties of holder as regards drawee or acceptor.

(2) When by the terms of a qualified acceptance, presentment for payment is required, the acceptor, in the absence of an express stipulation to that effect, is not discharged by the omission to present the bill for payment on the day that it matures.

(3) In order to render the acceptor of a bill liable, it is not necessary to protest it, or that notice of dishonour should be given to him.

(4) Where the holder of a bill presents it for payment, he shall exhibit the bill to the person from whom he demands payment, and when a bill is paid the holder shall forthwith deliver it up to the party paying it.

LIABILITIES OF PARTIES.

52. A bill, of itself, does not operate as an assignment of funds in the hands of the drawee available for the payment thereof, and the drawee of a bill who does not accept as required by this Law, is not liable on the instrument.

Funds in hands of drawee.

53. The acceptor of a bill, by accepting it—

Liability of acceptor.

(1) Engages that he will pay it according to the tenour of his acceptance.

(2) Is precluded from denying to a holder in due course :

- (a) The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the bill.
- (b) In the case of a bill payable to drawer's order, the then capacity of the drawer to indorse, but not the genuineness or validity of his indorsement.
- (c) In the case of a bill payable to the order of a third person, the existence of the payee and his then capacity to indorse, but not the genuineness or validity of his indorsement.

54. (1) The drawee of a bill by drawing it—

Liability of drawer or indorser.

- (a) Engages that on due presentment it shall be accepted and paid according to its tenour, and that if it be dishonoured he will compensate the holder or any indorser who is compelled to pay it, provided that the requisite proceedings on dishonour be duly taken ;
- (b) Is precluded from denying to a holder in due course the existence of the payee and his then capacity to indorse.

Bills of Exchange, &c.

(2) The indorser of a bill by indorsing it—

- (a) Engages that on due presentment it shall be accepted and paid according to its tenour, and that if it be dishonoured he will compensate the holder or a subsequent indorser, who is compelled to pay it, provided that the requisite proceedings on dishonour be duly taken ;
- (b) Is precluded from denying to a holder in due course the genuineness and regularity in all respects of the drawer's signature and all previous endorsements ;
- (c) Is precluded from denying to his immediate or a subsequent endorsee that the bill was at the time of his indorsement a valid and subsisting bill, and that he had then a good title thereto.

Stranger signing a bill liable as indorser.

55. Where a person signs a bill otherwise than as drawer or acceptor, he thereby incurs the liabilities of an indorser to a holder in due course.

Measure of damages against parties to dishonoured bill.

56. Where a bill is dishonoured, the measure of damages, which shall be deemed to be liquidated damages, shall be as follows :—

(1) The holder may recover from any party liable on the bill, and the drawer who has been compelled to pay the bill may recover from the acceptor, and an indorser who has been compelled to pay the bill may recover from the acceptor or from the drawer, or from a prior indorser—

- (a) The amount of the bill.
- (b) Interest thereon from the time of presentment for payment if the bill is payable on demand, and from the maturity of the bill in any other case.
- (c) The expenses of noting, and where the protest is necessary and has been extended, the expenses of the protest.

(2) In the case of a bill which has been dishonoured abroad, in lieu of the above damages, the holder may recover from the drawer, or an indorser, and the drawer or an indorser who has been compelled to pay the bill may recover from any party liable to him, the amount of the re-exchange, with interest thereon until the time of payment.

(3) Where by this Law interest may be recovered as damages, such interest may, if justice require it, be withheld wholly or in part, and where a bill is expressed to be payable with interest at a given rate, interest as damages may or may not be given at the same rate as interest proper.

Transferor by delivery and transferee.

57. (1) Where the holder of a bill payable to bearer negotiates it by delivery without endorsing it, he is called a "transferor by delivery."

(2) A transferor by delivery is not liable on the instrument.

(3) A transferor by delivery who negotiates a bill, thereby warrants to his immediate transferee being a holder for value that the bill is what it purports to be, that he has a right to transfer it, and that at the time of transfer he is not aware of any fact which renders it valueless.

Bills of Exchange, &c.

DISCHARGE OF BILL.

58. (1) A bill is discharged by payment in due course by or on behalf of the drawee or acceptor. Payment in due course.

"Payment in due course" means payment made at or after the maturity of the bill to the holder thereof in good faith without notice that his title to the bill is defective.

(2) Subject to the provisions hereinafter contained, when a bill is paid by the drawer or an indorser it is not discharged : but

(a) Where a bill payable to, or to the order of, a third party is paid by the drawer, the drawer may enforce payment thereof against the acceptor, but may not re-issue the bill.

(b) Where a bill is paid by an indorser, or where a bill payable to drawer's order is paid by the drawer, the party paying it is remitted to his former rights as regards the acceptor or antecedent parties, and he may, if he thinks fit, strike out his own and subsequent endorsements, and again negotiate the bill.

(3) Where an accommodation bill is paid in due course by the party accommodated, the bill is discharged.

59. When a bill payable to order on demand is drawn on a banker, or when a bill is payable with a banker, and the banker pays the bill in good faith and in the ordinary course of business, it is not incumbent on the banker to show that the indorsement of the payee or any subsequent indorsement was made by or under the authority of the person whose indorsement it purports to be, and the banker is deemed to have paid the bill in due course, although such indorsement has been forged or made without authority. Banker paying demand draft where indorsement is forged.

60. When the acceptor of a bill is or becomes the holder of it at or after its maturity, in his own right, the bill is discharged. Acceptor the holder at maturity.

61. (1) When the holder of a bill at or after its maturity absolutely and unconditionally renounces his rights against the acceptor the bill is discharged. The renunciation must be in writing, unless the bill is delivered up to the acceptor. Express waiver.

(2) The liabilities of any party to a bill may in like manner be renounced by the holder before, at, or after its maturity ; but nothing in this section shall affect the rights of a holder in due course without notice of the renunciation.

62. (1) Where a bill is intentionally cancelled by the holder or his agent, and the cancellation is apparent thereon, the bill is discharged. Cancellation.

(2) In like manner any party liable on a bill may be discharged by the intentional cancellation of his signature by the holder or his agent. In such case any endorser who would have had a right of recourse against the party whose signature is cancelled is also discharged.

(3) A cancellation made unintentionally, or under a mistake, or without the authority of the holder is inoperative ; but where a bill or any signature thereon appears to have been cancelled, the burden

Bills of Exchange, &c.

of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake, or without authority.

Alteration of
bill.

63. (1) Where a bill or acceptance is materially altered without the assent of all parties liable on the bill, the bill is discharged, except as against a party who has himself made, authorised, or assented to the alteration, and subsequent indorsers: Provided that where a bill has been materially altered, but the alteration is not apparent, and the bill is in the hands of a holder in due course, such holder may avail himself of the bill as if it had not been altered, and may enforce payment of it according to its original tenour.

(2) In particular, the following alterations are material, namely:—Any alteration of the date, the sum payable, the time of payment, the place of payment, and where a bill has been accepted generally, the addition of a place of payment without the acceptor's assent.

ACCEPTANCE AND PAYMENT FOR HONOUR.

Acceptances for
honour *supra*
protest.

64. (1) Where a bill of exchange has been protested for dishonour by non-acceptance, or protested for better security, and is not overdue, any person, not being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill, *supra* protest, for the honour of any party liable thereon, or for the honour of the person for whose account the bill is drawn.

(2) A bill may be accepted for honour for part only of the sum for which it is drawn.

(3) An acceptance for honour, *supra* protest, in order to be valid must—

(a) Be written on the bill, and indicate that it is an acceptance for honour.

(b) Be signed by the acceptor for honour.

(4) Where an acceptance for honour does not expressly state for whose honour it is made, it is deemed to be an acceptance for the honour of the drawer.

(5) Where a bill payable after sight is accepted for honour, its maturity is calculated from the date of noting for non-acceptance, and not from the date of acceptance for honour.

Liability of
acceptor for
honour.

65. (1) The acceptor for honour of a bill by accepting it, engages that he will, on due presentment, pay the bill according to the tenour of his acceptance, if it is not paid by the drawee, provided it has been duly presented for payment, and protested for non-payment, and that he receives notice of these facts.

(2) The acceptor for honour is liable to the holder and to all parties to the bill, subsequent to the party for whose honour he has accepted.

Presentment to
acceptor for
honour.

66. (1) Where a dishonoured bill has been accepted for honour, *supra* protest, or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honour, or referee in case of need.

Bills of Exchange, &c.

(2) Where the address of the acceptor for honour is in the same place where the bill is protested for non-payment, the bill must be presented to him not later than the day following its maturity; and where the address of the acceptor for honour is in some place other than the place where it was protested for non-payment, the bill must be forwarded not later than the day following its maturity, or by the next succeeding post, for presentment to him.

(3) Delay in presentment or non-presentment is excused by any circumstance which would excuse delay in presentment for payment or non-presentment for payment.

(4) When a bill of exchange is dishonoured by the acceptor for honour it must be protested for non-payment by him.

67. (1) Where a bill has been protested for non-payment, any person may intervene and pay it *supra* protest for the honour of any party liable thereon, or for the honour of the person for whose account the bill is drawn.

Payment for
honour *supra*
protest.

(2) Where two or more persons offer to pay a bill for the honour of different parties, the person whose payment will discharge most parties to the bill shall have the preference.

(3) Payment for honour *supra* protest, in order to operate as such and not as a mere voluntary payment, must be attested by a notarial act of honour which may be appended to the protest or form an extension of it.

(4) The notarial act of honour must be founded on a declaration made by the payer for honour, or his agent in that behalf, declaring his intention to pay the bill for honour, and for whose honour he pays.

(5) Where a bill has been paid for honour, all parties subsequent to the party for whose honour it is paid are discharged, but the payer for honour is subrogated for, and succeeds to both the rights and duties of the holder, as regards the party for whose honour he pays, and all parties liable to that party.

(6) The payer for honour on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonour, is entitled to receive both the bill itself and the protest. If the holder do not on demand deliver them up he shall be liable to the payer for honour in damages.

(7) Where the holder of a bill refuses to receive payment *supra* protest, he shall lose his right of recourse against any party who would have been discharged by such payment.

LOST INSTRUMENTS.

68. Where a bill has been lost before it is overdue, the person who was the holder of it may apply to the drawer to give him another bill of the same tenour, giving security to the drawer, if required, to indemnify him against all persons whatever in case the bill alleged to have been lost shall be found again.

If the drawer, on request as aforesaid, refuses to give such duplicate bill, he may be compelled to do so.

Holder's right to
duplicate of lost
bill.

Bills of Exchange, &c.

Action on lost bill.

69. In any action or proceeding upon a bill, the court or a judge may order that the loss of the instrument shall not be set up, provided an indemnity be given to the satisfaction of the court or judge against the claims of any other person upon the instrument in question.

BILL IN A SET.

Rules as to set.

70. (1) Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill.

(2) Where the holder of a set indorses two or more parts to different persons, he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed as if the said parts were separate bills.

(3) Where two or more parts of a set are negotiated to different holders, in due course the holder whose title first accrues is as between such holders deemed the true owner of the bill; but nothing in this sub-section shall affect the rights of a person who in due course accepts or pays the part first presented to him.

(4) The acceptance may be written on any part, and it must be written on one part only.

If the drawee accepts more than one part, and such accepted parts get into the hands of different holders, in due course he is liable on every such part as if it were a separate bill.

(5) When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder, in due course he is liable to the holder thereof.

(6) Subject to the preceding rules, where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

CONFLICT OF LAWS.

Rules where laws conflict.

71. Where a bill drawn in one country is negotiated, accepted, or payable in another, the rights, duties, and liabilities of the parties thereto are determined as follows :—

(1) The validity of a bill as regards requisites in form is determined by the law of the place of issue, and the validity as regards requisites in form of the supervening contracts, such as acceptance, or indorsement, or acceptance *supra* protest, is determined by the law of the place where such contract was made.

Provided that—

(a) Where a bill is issued out of the Colony of Natal, it is not invalid by reason only that it is not stamped in accordance with the law of the place of issue :

(b) Where a bill, issued out of the Colony, conforms as regards requisites in form to the Law of the Colony, it may for the purpose of enforcing payment thereof, be treated as valid as between all persons who negotiate, hold, or become parties to it in Natal.

Bills of Exchange, &c.

(2) Subject to the provisions of this Law, the interpretation of the drawing, indorsement, acceptance, or acceptance *supra* protest of a bill, is determined by the law of the place where contract is made :

Provided that where an inland bill is indorsed in a foreign country the indorsement shall, as regards the payer, be interpreted according to the Law of Natal.

(8) The duties of the holder with respect to presentment for acceptance or payment, and the necessity for, or sufficiency of, a protest or notice of dishonour, or otherwise, are determined by the law of the place where the act is done or the bill is dishonoured.

(4) Where a bill is drawn out of but payable in Natal, and the sum payable is not expressed in currency of the Colony of Natal, the amount shall, in the absence of some express stipulation, be calculated according to the rate of exchange for sight drafts, at the place of payment on the day the bill is payable.

(6) Where a bill is drawn in one country and is payable in another, the due date thereof is determined according to the law of the place where it is payable.

PART III.

CHEQUES ON A BANKER.

72. A cheque is a bill of exchange drawn on a banker payable on demand. Except as otherwise provided in this part, the provisions of this Law applicable to a bill of exchange payable on demand apply to a cheque.

Cheque defined.

73. Subject to the provisions of this Law—

Presentment of cheque for payment.

(1) Where a cheque is not presented for payment within a reasonable time of its issue, and the drawer or person on whose account it is drawn had the right at the time of such presentment as between him and the banker to have the cheque paid, and suffers actual damage through the delay, he is discharged to the extent of such damage, that is to say, to the extent to which such drawer or person is a creditor of such banker to a larger amount than he would have been had such cheque been paid.

(2) In determining what is a reasonable time, regard shall be had to the nature of the instrument, the usage of trade and of bankers, and the facts of the particular case.

(8) The holder of such cheque as to which such drawer or person is discharged shall be a creditor, in lieu of such drawer or person, of such banker to the extent of such discharge, and entitled to recover the amount from him.

74. The duty and authority of a banker to pay a cheque drawn on him by his customer are determined by—

Revocation of banker's authority.

(1) Countermand of payment ;

(2) Notice of the customer's death.

(8) Notice of a customer having become bankrupt.

Bills of Exchange, &c.

CROSSED CHEQUES.

General and
special crossings
defined.

75. (1) Where a cheque bears across its face an addition of—

(a) The words “and Company,” or any abbreviation thereof between two parallel transverse lines, either with or without the words “not negotiable” ; or

(b) Two parallel transverse lines simply, either with or without the words “not negotiable,” that addition constitutes a crossing, and the cheque is crossed generally.

(2) Where a cheque bears across its face an addition of the name of a banker, either with or without the words “not negotiable,” that addition constitutes a crossing, and the cheque is crossed specially and to that banker.

Crossings by
drawer or
after issue.

76. (1) A cheque may be crossed generally or specially by the drawer.

(2) Where a cheque is uncrossed, the holder may cross it generally or specially.

(3) Where a cheque is crossed generally the holder may cross it specially.

(4) Where a cheque is crossed generally, or specially, the holder may add the words “not negotiable.”

(5) Where the cheque is crossed specially, the banker to whom it is crossed may again cross it specially to another banker for collection.

(6) Where an uncrossed cheque, or a cheque crossed generally, is sent to a banker for collection, he may cross it specially to himself.

Crossing a
material part
of cheque.

77. A crossing authorised by this Law is a material part of the cheque ; it shall not be lawful for any person to obliterate or, except as authorised by this Law, to add to or alter the crossing.

Duties of
bankers as to
crossed cheques.

78. (1) Where a cheque is crossed generally, the banker on whom it is drawn shall not pay it otherwise than to a banker.

(2) Where a cheque is crossed specially, the banker on whom it is drawn shall not pay it otherwise than to the banker to whom it is crossed, or to his agent for collection, being a banker.

(3) Where a cheque is crossed specially to more than one banker, except when crossed to an agent for collection, being a banker, the banker on whom it is drawn shall refuse payment thereof.

(4) Where the banker on whom the cheque is drawn which is so crossed nevertheless pays the same, or pays a cheque crossed generally otherwise than to a banker, or if crossed specially otherwise than to the banker to whom it is crossed, or his agent for collection, being a banker, he is liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid :

Provided that where a cheque is presented for payment which does not at the time of presentment appear to be crossed, or to have had a crossing which has been obliterated, or to have been added to or altered, otherwise than as authorised by this Law, the banker paying the cheque in good faith and without negligence shall not be responsible or incur any liability, nor shall the payment be questioned by reason of the cheque having been crossed, or of the crossing having

Bills of Exchange, &c.

been obliterated or having been added to or altered otherwise than as authorised by this Law, and of payment having been made otherwise than to a banker or to the banker to whom the cheque is or was crossed, or to his agent for collection, being a banker, as the case may be.

79. Where the banker on whom a crossed cheque is drawn, in good faith and without negligence pays it, if crossed generally, to a banker, and if crossed specially to the banker to whom it is crossed, or his agent for collection, being a banker, the banker paying the cheque, and, if the cheque has come into the hands of the payee, the drawer shall respectively be entitled to the same rights and be placed in the same position as if payment of the cheque had been made to the true owner thereof.

Protection to
banker and
drawer where
cheque is
crossed.

80. Where a person takes a crossed cheque which bears on it the words "not negotiable," he shall not have, and shall not be capable of giving a better title to the cheque than that which the person from whom he took it had.

Effect of
crossing
on holder.

81. Where a banker in good faith, and without negligence, receives payment for a customer of a cheque crossed generally or specially to himself, and the customer has no title or a defective title thereto, the banker shall not incur any liability to the true owner of the cheque by reason only of having received such payment.

Protection to
collecting
banker.

PART IV.

PROMISSORY NOTES.

82. (1) A promissory note is an unconditional promise in writing made by one person to another signed by the maker, engaging to pay on demand or at a fixed or determinable future time, a sum certain in money, to or to the order of a specified person, or to bearer.

Promissory note
defined.

(2) An instrument in the form of a note payable to maker's order is not a note within the meaning of this section unless and until it is indorsed by the maker.

(3) A note is not invalid by reason only that it contains also a pledge of collateral security with authority to sell or dispose thereof.

(4) A note which is, or on the face of it purports to be, both made and payable within the Colony of Natal, is an inland note. Any other note is a foreign note.

83. A promissory note is inchoate and incomplete until delivery thereof to the payee or bearer.

Delivery
necessary.

84. (1) A promissory note may be made by two or more makers, and they may be liable thereon jointly, or jointly and severally, according to its tenour.

Joint and
several notes.

(2) Where a note runs "I promise to pay," and is signed by two or more persons, it is deemed to be their joint and several note.

85. (1) Where a note payable on demand has been indorsed, it must be presented for payment within a reasonable time of the indorsement. If it be not so presented the indorser is discharged.

Note payable
on demand.

Bills of Exchange, &c.

(2) In determining what is a reasonable time, regard shall be had to the nature of the instrument, the usage of trade, and the facts of the particular case.

(3) Where a note payable on demand is negotiated it is not deemed to be overdue, for the purpose of affecting the holder with defects of title of which he had no notice, by reason that it appears that a reasonable time for presenting it for payment has elapsed since its issue.

86. (1) Where a promissory note is in the body of it made payable at a particular place, it must be presented for payment at that place in order to render the maker liable. In any other case presentment for payment is not necessary in order to render the maker liable.

(2) Presentment for payment is necessary in order to render the indorser of a note liable.

(3) Where a note is in the body of it made payable at a particular place, presentment at that place is necessary in order to render an indorser liable; but when a place of payment is indicated by way of memorandum only, presentment at that place is sufficient to render the indorser liable; but a presentment to the maker elsewhere, if sufficient in other respects, shall also suffice.

87. The maker of a promissory note by making it :

(1) Engages that he will pay it according to its tenour :

(2) Is precluded from denying to a holder in due course the existence of the payee and his then capacity to indorse.

88. (1) Subject to the provisions in this part, and except as by this section provided, the provisions of this Law relating to bills of exchange, apply, with the necessary modifications, to promissory notes.

(2) In applying those provisions the maker of a note shall be deemed to correspond with the acceptor of a bill, and the first indorser of a note shall be deemed to correspond with the drawer of an accepted bill payable to drawer's order.

(3) The following provisions as to bills do not apply to notes, namely, the provisions relating to—

- (a) Presentment for acceptance ;
- (b) Acceptance ;
- (c) Acceptance *supra* protest ;
- (d) Bills in a set.

(4) When a foreign note is dishonoured, protest thereof is unnecessary.

PART V.

SUPPLEMENTARY.

89. A thing is deemed to be done in good faith, within the meaning of this Law, where it is in fact done honestly, whether it is done negligently or not.

Presentment of
note for pay-
ment.

Liability of
maker.

Application of
part II to notes.

Good faith.

Bills of Exchange, &c.

90. (1) Where, by this Law, any instrument or writing is required to be signed by any person, it is not necessary that he should sign it with his own hand, but it is sufficient if his signature is written thereon by some other person, by or under his authority.

Signature.

(2) In the case of a Corporation, where, by this Law, any instrument or writing is required to be signed, it is sufficient if the instrument or writing be sealed with the corporate seal. But nothing in this section shall be construed as requiring the bill or note of a Corporation to be under seal.

91. Where, by this Law, the time limited for doing any act or thing is less than three days, in reckoning time, non-business days are excluded. "Non-business" days for the purpose of this Law mean :—

Computation of time.

(a) Sunday, New Year's Day, Good Friday, Easter Monday, Whit Monday, the Queen's Birthday, Michaelmas Day, All Saints' Day, Christmas Day.

(b) A day appointed by proclamation of the Governor as a solemn fast or day of thanksgiving.

92. For the purposes of this Law, where a bill or note is required to be protested within a specified time, or before some further proceeding is taken, it is sufficient that the bill has been noted for protest before the expiration of the specified time or the taking of the proceeding, and the formal protest may be extended at any time thereafter as of the date of the noting.

When noting equivalent to protest.

93. Where a dishonoured bill or note is authorised or required to be protested, and the services of a notary cannot be obtained at the place where the bill is dishonoured, any householder or substantial resident of the place may, in the presence of two witnesses, give a certificate, signed by them, attesting the dishonour of the bill, and the certificate shall in all respects operate as if it were a formal protest of the bill. The form given in the Schedule to this Law may be used with necessary modifications, and if used shall be sufficient.

Protest when notary not accessible.

94. The provisions to this Law as to crossed cheques shall apply to a warrant for payment of a dividend, and to a coupon for payment of interest.

Dividend warrants and coupon for interest may be crossed.

95. Nothing in this Law shall affect the provisions of—

Laws not to be affected by this Law.

(1) The "License and Stamp Law, 1885," or any Law or enactment for the time being in force relating to the revenue :

(2) The provisions of the "Joint Stock Companies' Liabilities Law, 1864," or Laws amending it, or any Law relating to any Joint Stock Bank or Company.

96. This Law shall be known and may be cited as "The Bills of Exchange Law, 1886."

Short title.

97. This Law shall commence and take effect at the expiration of thirty days following its promulgation in the *Natal Government Gazette*.

Commencement of Law.

Bills of Exchange, &c.—Discipline in Her Majesty's Ships.

SCHEDULE.

Form of protest which may be used when the services of a Notary cannot be obtained.

Know all men, that I, A.B. [householder], of _____, in the County of _____, Colony of Natal, at the request of C.D., there being no Notary Public available, did on the _____ day of _____, 18____, at _____, demand payment [or acceptance], of the bill of exchange hereunder written, from E.F., to which demand he made answer [state answer, if any] wherefor, I now, in the presence of G.H. and J.K., do protest the said bill of exchange.

(Signed) A.B.
 G.H. } Witnesses.
 J.K. }

N.B.—The bill itself should be annexed, or a copy of the bill, and all that is written thereon should be underwritten.

Given at Government House, Natal, this 14th day of January, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
 Acting Colonial Secretary.

LAW No. 9, 1887.

(Signed) A. E. HAVELOCK.

To provide for the maintenance of discipline in Her Majesty's Ships in Colonial Waters.

Preamble.

WHEREAS it is expedient, in order to maintain discipline in Her Majesty's ships in the waters in this Colony, that spirituous or fermented liquors shall not be brought on board such ships without the consent of the Commander :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Spirituous or fermented liquors not to be brought on board Her Majesty's ships without the Commander's consent.

1. It shall not be lawful for any person to bring on board of Her Majesty's ships or vessels being or lying in any of the waters of this Colony, any spirituous or fermented liquor of any description, without the previous consent of the officer commanding the ship or vessel on board of which the same may be brought ; and it shall be lawful for any officer in Her Majesty's service, or warrant or petty officer of the navy, or non-commissioned officer of marines, with or without seamen or persons under his command, to search any boat or vessel

Discipline in Her Majesty's Ships.—Post Office.

hovering about or approaching or which may have hovered about or approached any of Her Majesty's ships or vessels, and if any spirituous or fermented liquor be found aboard such boat or vessel, to seize such spirituous or fermented liquor, and the same shall be forfeited to Her Majesty; and if any person shall bring any spirituous or fermented liquor on board of any of Her Majesty's ships or vessels without such previous consent as aforesaid, or shall approach or hover about any of Her Majesty's ships or vessels for the purpose of bringing any spirituous or fermented liquors on board the same, without such previous consent as aforesaid, or for the purpose of giving or selling, without such previous consent, spirituous or fermented liquors to men in Her Majesty's service, or of aiding and assisting any officer, seaman, or marine in Her Majesty's service to desert or improperly absent himself from his ship or vessel, every such person shall, upon a summary conviction thereof before a Resident Magistrate, forfeit and pay any sum not exceeding ten pounds for every such act and offence; and it shall be lawful for any officer in Her Majesty's service, or any such warrant or petty officer or non-commissioned officer as aforesaid, or for any constable, with or without any warrant or other process, to apprehend or cause to be apprehended, any such offender or person so acting, and to bring him or cause him to be brought before any Resident Magistrate, for the purpose of having the offender summarily convicted of the same, and any pecuniary forfeiture under this Law shall be paid as follows:—One moiety thereof shall be paid to the informer, and the remainder into the Colonial Treasury for the use of the Government of the Colony.

Penalty on offenders.

Moiety of fine to be paid to informer.

7. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 17th day of January, 1887.

By command of His Excellency the Governor.

(Signed) F. S. HADEN,
Acting Colonial Secretary.

LAW No. 10, 1887.

(Signed) A. E. HAVELOCK.

To amend certain Sections of the "Post Office Law, 1884."

WHEREAS it is expedient to amend certain Sections of the "Post Office Law, 1884:—"

Preamble

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. So much of the first schedule of the "Post Office Law, 1884," as relates to the rates of postage payable upon inland packets, forwarded through the inland post, is hereby repealed, and in lieu thereof postage shall be levied according to the scale and rates set forth in and by the schedule to this Law,

Repeal and amendment of postage rates (first Schedule, Law 23, 1884) on inland packets, see Schedule hereto.

Post Office.

Governor in Council empowered to alter rates on inland packets when expedient.

Interpretation of expression "valuable enclosure."

Amendment of Section 32, Law 22, 1884.

Meaning of sending of letter.

Addition to Section 44.

Meaning of "stamp."

Newspapers printed and published in Colony not chargeable with postage.

Proviso.

Law to be construed with Law 22, 1884.
Commencement of Law.

2. The Governor in Council may from time to time alter the rates of postage payable in respect of inland packets forwarded through the inland post in the Colony, in such manner as to him may seem expedient.

3. The words, "or other valuable enclosure," occurring in Section 18 of the said Law shall be deemed and taken to mean jewellery, precious stones, gold dust, gold nuggets, and other precious metals, and articles of a like nature, and shall not include money orders, postal orders, bank notes, cheques, and other valuable paper securities, the registration of which securities shall be optional with the sender.

4. The words "nor to any letter sent by any person concerning his private affairs, nor to any letter sent or carried to or from any post office," occurring at the end of Section 32 of the said Law are hereby repealed, and the following substituted therefor: "nor to a letter sent by a messenger on purpose concerning the private affairs of the sender or receiver thereof, nor to any letter sent or carried to or from any post office."

5. There shall be added to Section 44 of the "Post Office Law, 1884," at the end thereof the following enactment: "For the purposes of this section, the word 'stamp' wherever used therein shall in addition to Natal postage stamp mean and include any stamp for denoting a rate of postage of the United Kingdom of Great Britain and Ireland, or any of Her Majesty's Colonies or of any foreign country."

The above enactment shall be numbered sub-section 6.

6. From and after the First day of January, 1887, no postage shall be charged on the first issue of newspapers printed and published within the Colony and posted by the publishers within two days of the publication thereof: Provided such newspapers shall be enclosed in printed wrappers to be approved of by the Postmaster-General, bearing the title of the newspaper, and the name and address of the publishers.

7. This Law shall be read and construed with the "Post Office Law, 1884," and shall come into operation from and after the date of the promulgation thereof in the *Natal Government Gazette*.

SCHEDULE.

PACKETS—[INLAND.]

Not exceeding one ounce in weight—One halfpenny.

Exceeding one ounce, but not exceeding two ounces—One penny.

Exceeding two ounces, but not exceeding four ounces—One penny halfpenny.

Every additional four ounces or fraction of four ounces—One penny halfpenny.

Given at Government House, Natal, this 17th day of January, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

Offices Abolished.—Local Boards.

Law No. 11, 1887.

(Signed) A. E. HAVELOCK.

To extend the provisions of Law No. 8, of 1872.

WHEREAS it is expedient to extend the provisions of Law No. 8, of 1872, to Officers of the Government whose offices may be abolished :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The words “at present” in the preamble of the said Law, and the words “at present” occurring in the first section of the said Law, shall be and the same are hereby expunged.

Amendment of Preamble and 1st Section of Law 8, 1872.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 19th day of January, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.
Acting Colonial Secretary.

Law No. 12, 1887.

(Signed) A. E. HAVELOCK.

To give certain borrowing powers to Local Boards constituted under Law No. 11, of 1881.

WHEREAS it is expedient to give certain borrowing powers to Local Boards constituted under Law 11, of 1881 :

Preamble.

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. For the temporary accommodation of Local Boards constituted under Law No. 11, of 1881, it shall and may be lawful for such Local Boards to obtain advances from any Bank or Banks, by overdraft of the current account upon the credit of the Township: Provided always, that no such overdraft shall at any time, or under any circumstances whatsoever, exceed the income of the preceding year, less any amount paid as interest upon Loan moneys.

Local Boards may obtain advances from Banks by overdraft.

Proviso.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 1st day of February, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

Tacit Hypothec.

LAW No. 13, 1887.

(Signed) A. E. HAVELOCK.

*To amend the Law in respect of Tacit Hypothecs.***Preamble.**

WHEREAS there are certain difficulties connected with the construction of parts of the Law No. 20, 1866, and it is expedient to make better provision in that behalf :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Repeal of Sections 1, 2, 5, 6 of Law 20, 1866.

1. The first, second, fifth, and sixth sections of the said Law No. 20, 1866, are hereby repealed, without prejudice to any matter or thing heretofore affected, occasioned, or resulting by or from such sections respectively.

Period for which tacit hypothec in respect of arrears of rent can exist.

2. Any tacit hypothec in respect of arrears of rent shall not exist at any time for more arrears than those of one year then next preceding, and of the then current year.

Crown or Government hypothec in respect of immovable property, how restricted.

3. Any tacit hypothec in respect of immovable property available for the Crown or Government shall not extend beyond the particular property in respect of which the sum or claim, the subject matter of the hypothec, shall be payable or demandable, and any movables for the time being thereon.

Duration of tacit hypothec for persons under guardianship, &c., in respect of property not accounted for.

4. Any tacit hypothec for persons being, or having been, under guardianship, curatorship, or the like, or their representatives, in respect of property not duly accounted for, or other defaults of the guardian or other persons aforesaid, shall not exist beyond two years next after such pupillary state shall have ceased, unless and save so far as proceedings to enforce such hypothec shall have been in law effectually commenced before the expiration of such two years ; and no such hypothec shall exist at any time as against any property which shall have been duly sold by any person liable to or in respect of such hypothec before proceedings shall have been commenced in law to enforce the same : Provided always that the foregoing provisions of this section shall be deemed to apply in respect of any tacit hypothec for any claim of persons or their representatives as against property of any such persons' parents or step-parents in like manner as if such last named persons had also been guardians of such other persons aforesaid respectively.

Proviso.

5. Any tacit hypothec not hereinbefore specially provided for is hereby abolished.

Abolition of tacit hypothec not specially provided for.**Existing tacit hypothec not equally affected by Law 20, 1866, enforceable by proceedings commenced within two years from passing of this Law.**

6. Any tacit hypothec existing when this Law shall come into operation, not equally affected by the said Law No. 20, 1866, as by this Law, shall, so far, be enforceable by proceedings commenced within a period not exceeding two years after this Law shall have come into operation in like manner as it might have been if this Law had not been passed.

Tacit Hypothecs.

7. Nothing in this Law contained shall be deemed to occasion or to increase in effect any tacit hypothec where it would not, or beyond what it would have been, if neither this Law nor the said Law No. 20, 1866, had been passed.

Effect of tacit hypothec not increased by this Law nor Law 20, 1866.

8. This Law shall not affect any claim of the Crown or Government otherwise than as is provided for by the third section hereof.

Crown or Government claim not affected beyond provisions of Sec. 3.

9. Nothing in this Law shall be deemed to affect, otherwise than in respect of tacit hypothec, any right, claim, or demand of any person or persons.

Right, claim or demand not affected otherwise than in respect of tacit hypothec.

10. Where any officer of Government has had or shall have to become in his official capacity a guardian, curator, or the like, nothing in the second or third sections of the said Law No. 20, 1866, or in the fourth or sixth sections of this Law shall be deemed to have applied or to apply to the case.

Officer of Government in official capacity a guardian or curator not affected by Sections 2 and 3, Law 20, 1866, or 4 and 5 hereof.

11. The following terms shall, in and for the purposes of this Law, be respectively deemed to include or mean as follows :—

Interpretation clause.

“Tacit hypothec” to mean a legal as distinguished from a conventional claim or right of or to a hypothec pledge, lien, or the like, not being a claim for, of, or to retention, nor relating to maritime law in respect of any ship employed otherwise than chiefly for the purposes of any port of this Colony, or the precincts thereof, or for navigation in any river of this Colony, nor being in respect of wages, material, necessities, or the like, connected with such first herein mentioned ship :

“Gale” to mean the interval between any two next consecutive days for payment of rent :

“Rent” to include any periodical charge or render in money or kind.

12. This Law shall be in operation on and after the day next after that of its promulgation in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 1st day of February, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

Glanders and Farcy.

LAW No. 14, 1887.

(Signed) A. E. HAVELOCK.

*To make better provision for preventing the spread of the Horse Diseases called Glanders and Farcy.***Preamble.**

WHEREAS it is desirable to make better provision for preventing the spread of the diseases called Glanders and Farcy :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Repeal of Law 8,
of 1864.

1. Law No. 8 of 1864, entitled " Law to prevent the spread of the Horse Disease called Glanders," shall be, and the same is hereby repealed : Save only and except so far as regards all offences against and all penalties incurred under said Law, and all proceedings taken or commenced before this Law shall come into operation under or in execution of the said Law, all which offences may be prosecuted, and all which penalties may be enforced, and all which proceedings shall be as valid to all intents and purposes, and may be continued, executed, and enforced in the same manner as if this Law had not been passed ; and save also and except so far as regards regulations made under the said Law, which until revoked, altered, or amended, and save so far as they are not in conflict with any of the provisions of this Law, shall continue in force, and shall be deemed to be regulations under this Law.

Glandered
animal to be
isolated, and
information of
disease given to
neighbours,
Fieldcornets,
and Resident
Magistrate.

2. It shall be the duty of every person, the owner of any animal, or having in his charge or custody any animal suspected of being infected with or showing the usual symptoms of the disease known as glanders, or the disease known as farcy, to isolate the said animal and within forty-eight hours of such disease manifesting itself to give information to his immediate neighbour, and to the Fieldcornet of his ward, and so soon thereafter as conveniently may be to the Resident Magistrate of his division, in order that such information may be communicated to the Colonial Veterinary Surgeon. The said Resident Magistrate shall within seven days after the receipt of such information cause the suspected animal to be examined at the place of its isolation by the Colonial Veterinary Surgeon, or in his absence by any qualified veterinary surgeon whose services may be available, and in the event of there being no such veterinary surgeon then by three landed proprietors in the district. Immediately after such examination, the Colonial Veterinary Surgeon, other qualified veterinary surgeon, or a majority of the said landed proprietors shall report to the Resident Magistrate the result of their examination, and in the event of their determining that the animal so examined is infected with glanders or farcy, the said Resident Magistrate is hereby empowered to issue an order for the destruction of such animal so infected with glanders or farcy, and to enforce the execution of such order.

Animal to be
inspected
within seven
days.

If result of in-
spection shows
animal to be
glandered the
Resident Magis-
trate can order
its destruction.

Glanders and Farcy.

3. It shall not be lawful for any person to ride, lead, drive, or otherwise conduct any animal infected or suspected of being examined or treated for the said disease; but the examination and treatment of any such diseased animal shall take place at or near to the place in which the disease shall have been first discovered, and in which place the animal shall have been isolated.

Examination and treatment of diseased animal to be on spot where it shall be discovered or isolated.

4. Any person who shall send or attempt to send by railway any animal infected, or which he has reason to suppose is infected, with the disease called glanders or farcy, shall be liable to a fine of £10, or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

Penalty for sending infected animal by railway.

5. In no case shall any animal infected or suspected of being infected with the disease called glanders or farcy be sent to any public pound, but shall be isolated on the premises of the owner or person in whose custody it is, and any person not being an owner in whose custody and on whose premises the said animal may be so isolated shall be reimbursed by the owner, and, failing the discovery of the owner by the Government, for all necessary expenses he may be put to for feeding, securing, and taking charge of the said animal.

Glandered animal not to be sent to pound, but isolated on premises. Person not the owner may be reimbursed for necessary expenses.

6. Any person offering for sale, either publicly or privately, any animal infected, or which he has reason to believe may be infected, with glanders or farcy shall on conviction forfeit a sum not exceeding £15 sterling, and in default of payment be imprisoned for a period not exceeding three months.

Penalty for offering diseased animal for sale.

7. Any person whether the owner or not of any animal infected with glanders or farcy who shall ride, lead, or drive, or otherwise conduct any such animal upon or along any public road, street, or thoroughfare, or into any common pasture land or any outspan place, shall incur and become liable to a penalty not exceeding £5 and not less than £1, and in default of payment thereof to imprisonment for any period not exceeding one month, unless he shall prove to the satisfaction of the Court before which the case shall be prosecuted that the said animal was at the time and place charged in the act of being conducted to some particular adjacent place for the purpose of being destroyed.

Penalty for riding, leading, driving, or conducting glandered animal on public road, street, thoroughfare, &c.

Proviso.

8. It shall and may be lawful for any person who shall find any animal infected or suspected of being infected with glanders or farcy, not in charge of any person in or upon any public or private road, street, or thoroughfare or on common pasture land or outspan place or running loose upon the place or ground of any person, to secure such animal on the spot if practicable, otherwise in some other place deemed more suitable by such person, until it can be examined as provided in the second section of this Law.

Glandered animal, if found not in charge of any person, may be secured until examined.

9. It shall and may be lawful for any person who shall have secured any animal as provided in the last preceding section to report the same to the Resident Magistrate or to the Field Cornet of the Ward in which such animal shall be so found, and such Field Cornet shall cause the said animal to be kept isolated and fed until

Person securing such animal to report to Resident Magistrate or Fieldcornet, who shall cause animal to be isolated and fed.

Glanders and Farcy.

receiving the directions of the Resident Magistrate regarding the disposal of such animal, and the said Field Cornet shall forthwith report to the Resident Magistrate having jurisdiction in such ward.

Glandered animal may be destroyed by order of Resident Magistrate.

10. The Resident Magistrate to whom a report shall be made as required by Section 9 of this Law shall forthwith cause such animal to be duly examined by the person or persons described in the section of this Law, and, if upon such examination such animal shall be declared upon oath to be in their opinion suffering from glanders or farcy and that it is expedient at once to destroy the same, then the said Resident Magistrate may issue his order accordingly, and after all marks of recognition are duly taken down in writing the said animal may be destroyed whether the owner be known or not.

Penalty on owner of diseased animal neglecting to isolate same, knowing it to be glandered.

11. The owner of any animal infected with or shewing the usual symptoms of the disease known as glanders or farcy and which shall be found at large and unsecured as described in sections of this Law who shall be proved to have known or to have been informed that such animal was infected with glanders or farcy or suspected to be so, and who shall have refused or neglected to isolate the said animal or to act in accordance with the second section of this Law, or to destroy and bury such animal, shall, upon conviction, be liable to a fine not exceeding £10 and to pay all expenses incurred through or by the proceedings had in respect to such animal as by this Law provided, whether judicial or otherwise.

Animals dying of glanders or destroyed as glandered to be buried at owner's expense, but not within fifty yards of dwelling house or stream; in boroughs or townships, at place fixed by Corporation or Local Board.

12. All animals dying of glanders or farcy, or destroyed either by the owner or otherwise, shall be immediately buried and well covered up by or at the expense of the owner and at such place or places as may be most convenient: Provided it be not within fifty yards of any dwelling-house or within fifty yards of any stream: Provided further, that all animals dying or having been destroyed within the boundaries of borough or township shall be buried at such place or places as may be fixed by the Corporation of such Borough or the Local Board of such township; and any person whose duty it shall be to bury such dead animal, and who shall refuse or neglect to do so, shall be liable, upon conviction, to a fine not exceeding £10, and to have the said animal buried at his expense by order of the Resident Magistrate.

Hotelkeepers permitting a diseased animal to be stabled, or who shall fail to purify and clean such stable, to be liable to a penalty of £5.

13. Any accommodation-house or hotel-keeper who shall knowingly stable or permit the stabling of any horse, mule, or other animal which shall be infected with glanders or farcy, or be suspected to be so infected, or who shall after having stabled such animals discover that it was so infected, neglect properly to purify and clean such stable and manger therein according to regulations to be fixed by Proclamation of the Governor, or who shall stable a horse or other animal of any visitor with any animal infected with glanders or farcy in the same room or without previously purifying such stable and manger as aforesaid, shall, upon conviction before the Resident Magistrate, be liable to a penalty not exceeding £5.

Glanders and Farcy.

14. The Resident Magistrate is hereby empowered, upon the recommendation of the Colonial Veterinary Surgeon, other veterinary surgeon, or majority of landed proprietors aforesaid, to direct the isolation at such places as he may determine of any animals which he shall be satisfied have been in contact with an animal infected with glanders or farcy for such period and under such restrictions as he may deem necessary.

Animals having been in contact with diseased animals to be isolated by order of Resident Magistrate, on recommendation of Veterinary Surgeon.

15. The Colonial Veterinary Surgeon or any person or persons duly authorised thereto by the Resident Magistrate are empowered to enter into any stable or other building in which any animal infected or supposed to be infected with glanders or farcy has been or may be kept for the purpose of inspecting such stable or building or any animal that may be therein and infected, or supposed to be infected, with the said disease, and to take such steps as may be necessary to carry out the regulations referred to in Section 13.

Empowers Colonial Veterinary Surgeon, or other person by order of Resident Magistrate, to enter infected or supposed to be infected buildings.

16. All clothing and utensils which in the opinion of the Colonial Veterinary Surgeon, other qualified veterinary surgeon, or a majority of the landed proprietors, as described in Section 2 of this Law, are likely to disseminate the disease known as glanders or farcy, shall be destroyed or otherwise dealt with as may be directed by the persons aforesaid.

Clothing and utensils likely to disseminate the disease to be destroyed.

17. All stables and other places where animals infected with glanders or farcy have been stabled or kept in shall be thoroughly purified according to such regulations as may be fixed by the Governor in terms of Section 13.

Stables and other places to be purified.

18. The Governor, with the advice and consent of the Executive Council, may from time to time make such rules and regulations as may be required for the better execution and carrying out the purposes of this Law, and may define and fix such fees and all other expenditure as may be required for carrying out the objects and purposes of this Law, and allow the same to be paid from the General Revenue of the Colony.

Governor in Council may make rules, define and fix fees and other expenditure necessary.

19. Any person contravening any of the provisions of this Law or any of the regulations framed hereunder and for which no special penalty is provided, shall be liable to a penalty or fine not exceeding £10, or in default of payment to imprisonment with or without hard labour for a term not exceeding one month.

Penalty for contravention of Law.

20. All fines imposed under this Law shall be paid into the Colonial Treasury and applied to the uses of the Government of this Colony: Provided, that in any case the Court may direct and award any portion not exceeding one-half of said fine to any person or persons who may have given such information as may have led to the conviction of any offender.

Fines how disposable.

21. All contraventions of this Law shall be cognizable in any Court of any Resident Magistrate of any County or Division in which the offender shall be found, or where the offence shall have been committed.

Contraventions of Law, in what Court cognisable

22. The word animal used in this Law shall for the purposes of the said Law be taken to mean and include any horse, mare, mule, donkey, or foal.

Interpretation of word animal.

Customs Duties.—Vagrancy.

Commencement
of Law.

23. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 1st day of February, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Acting Colonial Secretary.

LAW No. 15, 1887.

(Signed) A. E. HAVELOCK.

To provide for the rebate of Customs Duty on Goods, Wares, or Merchandise, including Wines and Spirits purchased in the Colony for the use of Her Majesty's Forces and Military and Naval Officers.

Repealed by Law 6, 1888.

LAW No. 16, 1887.

(Signed) A. E. HAVELOCK.

To amend Section 2 of the Vagrant Law, No. 15. of 1869.

Preamble.

WHEREAS in Section 2 of Law No. 15, of 1869, it is provided among other things, that "every person apprehended as an idle, disorderly, or suspicious person, and violently resisting any constable or policeman so apprehending him or her, and being subsequently convicted for the offence for which he or she shall have been so apprehended, shall be deemed an offender within the true meaning and intent of this Law :"

And whereas, as the Law at present stands, many idle, disorderly, and suspicious persons escape punishment because they have not violently resisted the constable apprehending them :

And whereas it is necessary for the maintenance of order in Boroughs under Law 19, 1872, and Townships established under Law 11, 1881, to amend the said Law in this respect in so far as it applies to such Boroughs and Townships :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The words "and violently resisting any constable or policeman so apprehending him or her," occurring in Section 2 of Law 15, 1869, are hereby repealed in so far as Boroughs, under Law 19, of 1872, and Townships under Law 11 of 1881, are concerned. And from and after the passing of this Law such Section of the said Law shall be read and construed as if such words as aforesaid were not included therein in respect of the application of the Law to the said Boroughs and Townships.

Amendment of
Sec. 2 of Law
15, 1869, so far
as Boroughs and
Townships are
concerned.

Vagrancy.—Fishing Licenses.—Travelling Allowance to Members.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*. Commencement of Law.

Given at Government House, Natal, this 2nd day of February, 1887.

By command of His Excellency the Governor,
(Signed) F. S. HADEN,
Acting Colonial Secretary.

LAW No. 17, 1887.

(Signed) A. E. HAVELOCK.

To Consolidate the Law as to Mining.

Repealed by Law 84, 1888.

LAW No. 18, 1887.

(Signed) A. E. HAVELOCK.

To Amend Law No. 21 of 1884.

WHEREAS it is expedient to amend Law No. 21 of 1884, entitled Preamble.
"Law to repeal and re-enact with certain amendments Laws No. 8, 1868, and No. 18, 1880":

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. Section 6 of Law No. 21 of 1884 is hereby repealed, and the following Section substituted therefor, and to be numbered 6:— Sec. 6, Law 21, 1884, repealed.
"For every such license there shall be charged a sum of ten shillings for every net not exceeding ten yards in length and twenty shillings for every net exceeding ten yards in length, and there shall be attached to every net for which a license as above has been obtained a distinguishing badge and number, to be provided by the officer issuing the license." Fee for License.

Every net to have distinguishing badge or number.

2. This Law shall be read and construed with Law No. 21 of 1884 as one Law, and shall come into operation from and after the promulgation thereof in the *Natal Government Gazette*. Law to be construed with Law 21 of 1884.
Commencement of Law.

Given at Government House, Natal, this 11th day of February, 1887.

By command of His Excellency the Governor,
(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 19, 1887.

(Signed) A. E. HAVELOCK.

To make Provision for Daily Travelling Allowance to certain Members of the Legislative Council.

WHEREAS it is expedient to repeal Law No. 17, of 1869: Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Law No. 17, of 1869, shall be, and the same is hereby repealed. Repeal of Law 17, 1869.

Travelling Allowance to Members.—Natal Loans..

Defines members of Legislature entitled to 18s. per diem travelling allowance.

Altered by Law 2, 1888 to £1

Period for which travelling allowance payable.

Provisions of Law 17, 1889, continued in respect of clause 2 until March 1, 1887.

Commencement and application of Law.

2. Each member of the Legislative Council, except the Speaker and the official members, and members whose ordinary residence shall be situated at a less distance than three miles from the Building in which the said Council shall assemble, shall be entitled to receive from the Public Revenue of Natal, the sum of Fifteen Shillings as a daily travelling allowance.

3. Travelling allowance shall be paid in respect of each day during which the Council may be in session, and for each day employed by any member in travelling from or to his residence before and after the session.

4. With respect to the provisions of Clause No. 2, it is hereby provided that the provisions of Law No. 17 of 1869, in this regard, shall continue to be in force until the 1st day of March, 1887, and no longer.

5. This Law shall take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be applicable to the present session of the said Council : Provided that Clause 2 of this Law shall not come into operation until after the First day of March, 1887.

Given at Government House, Natal, this 11th day of February, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.
Colonial Secretary.

LAW No. 20, 1887.

(Signed) A. E. HAVELOCK.

To Provide till the 30th day of June, 1887, for the Management and Working of the Natal Government Railways.

Expired on 30th June, 1887. *Vide* Law 82, 1887.

LAW No. 21, 1887.

(Signed) A. E. HAVELOCK.

To Consolidate all existing Natal Loan Laws not bearing Sinking Funds.

Preamble.

WHEREAS it is expedient to authorise the conversion and consolidation of all existing Natal Loans :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. In Section three of the "Natal Consolidated Stock Law, 1886," sub-section a, there shall be inserted and added after the word *created*, in the third line thereof, the words, "and all other Natal Loans."

Insertion of certain words in the 3rd Section of the Natal Consolidated Stock Law, 1886, Sub-section a,

Natal Loans.

2. There shall be inserted in the schedule of the said "Natal Consolidated Stock Law, 1886," the Law as follows—"The Law 10, 1882."

Insertion of certain words in the Schedule of same Law.

3. Nothing in Section 6 of Law No. 1 of 1886 shall apply to Natal Loans Consolidated after the passing of this Law.

Sec. 6 of Law 1, 1886, not to apply to Loans consolidated after passing of this Law.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be read and construed as one with the "Natal Consolidated Stock Law, 1886."

Commencement of Law. To be read and construed as one with the Natal Consolidated Stock Law, 1886.

Given at Government House, Natal, this 14th day of February, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.
Colonial Secretary.

LAW No. 22, 1887.

(Signed) A. E. HAVELOCK.

To amend certain Sections of the Law No. 27, 1885, entitled Law "For the better regulation of the Volunteer Force in the Colony of Natal."

Repealed by Law 19, 1888.

LAW No. 23, 1887.

(Signed) A. E. HAVELOCK.

To facilitate the Registration of Natives within Boroughs and Townships.

Not in force. *Vide* also Law 21, 1888.

LAW No. 24, 1887.

(Signed) A. E. HAVELOCK.

To amend Law 44, 1884.

WHEREAS it is expedient to discontinue the payment of Sinking Funds under the Natal Loan Law, 1884 :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Sections seventeen and eighteen of the Natal Loan Law, 1884, relating to Sinking Funds to be created for the repayment of the Loans to be raised under the said Law, shall not apply or extend to any moneys raised under said Law after the coming into effect of this Law,

Sections 17 and 18 of the Natal Loan Law, 1884, relating to Sinking Funds, not to extend to moneys raised after commencement of this Law.

*Natal Loans.—Extension of Railways.*Commencement
of Law.

2. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.
Given at Government House, Natal, this 25th day of February, 1887.

By command of His Excellency the Governor,
(Signed) F. S. HADEN.
Colonial Secretary.

LAW No. 25, 1887.

(Signed) A. E. HAVELOCK.

To empower the Governor to make, maintain, and equip certain Extensions of the Main Line of Railway in the Colony of Natal.

Preamble.

WHEREAS it is expedient that the Railway hereafter described or referred to should be constructed as speedily as may be :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Law may be cited for all purposes as the "Natal Government Railway Extension Law, 1887."

Governor to be a
Corporation for
purposes of this
Law.

2. The Governor of Natal shall be a Corporation for the purposes only of this Law, and for those purposes shall be entitled and competent to take, hold, and dispose of lands and other property.

Incorporation
of the Lands
Clauses Consoli-
dation Law,
1872, with this
Law.

3. The "Lands Clauses Consolidated Law, 1872," is, except when expressly varied by this Law, incorporated with and forms part of this Law.

Route and limit
of extension.

4. The Railway Extension hereby authorised lies between Ladysmith and Sunday's River, and the exact line of Railway may be determined by the Governor in Council: Provided that no entry shall be made on private lands without 30 days' notice to the proprietor thereof.

Powers given to
Governor by
Law 1, 1881, to
be deemed to be
given by this
Law.

5. All powers given to the Governor by Law No. 1 of 1881 shall be deemed to be given by this Law to the Governor, just as if the words "near to Sunday's River" were contained in the 6th Clause of Law No. 1 of 1881, in place of the words "in or near to the Town of Ladysmith" in such clause contained.

Method of con-
struction.

6. The Railway construction hereby authorised may be constructed by contracts or departmentally, or partly in one way and partly in the other.

Line to be a
single line.

7. The Railway shall be constructed as a single line, with a gauge of 3 feet 6 inches, but with double line at such place or places as to the Governor may appear expedient.

Clause 10 of
Law 1, 1881, to
apply as if intro-
duced into this
Law, and include
Town Lands of
Ladysmith.

8. Clause 10 of Law 1 of 1881 shall apply to lands required for the Railway Extension hereby authorised, as if the said clause were introduced into this Law as a clause thereof, and included the Town Lands of Ladysmith in the proviso contained in that clause.

Law 1, 1881, to
be construed
jointly with this
Law.

9. Law 1 of 1881 shall be construed conjointly with these presents, just as if the Railways by that Law authorised were extended and limited to Sunday's River instead of Ladysmith,

Extension of Railways.—Irrigation.

10. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement
of Law.

Given at Government House, Natal, this 25th day of February, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.

Colonial Secretary.

LAW No. 26, 1887.

(Signed) A. E. HAVELOCK.

To enable Individuals and Companies to lead Water for purposes of Irrigation through Lands not their own.

WHEREAS it is expedient to grant facilities for the Irrigation of Lands ; and, with this object, to enable Individuals or Companies to lead water for such purposes through lands not their own, on payment of compensation for any damage which may thereby be done :

Preamble.

Be it therefore enacted by the Governor of the Colony of Natal by and with the advice of the Legislative Council thereof, as follows :—

1. This Law may be cited as the “Irrigation Law of 1886.”

Short title.

2. The Land Clauses Consolidation Law of 1872 (Law 16, of 1872), and all the clauses and provisions thereof (save in so far as they shall be expressly varied or excepted by this Law) shall be and are hereby incorporated in this Law.

Land Clauses Consolidation Law, 1872, incorporated in this Law.

3. The Governor of the Colony in Council is hereby empowered to declare from time to time certain rivers and streams, or any portion or portions of such rivers and streams within or bounding the Colony of Natal, to be streams or portions thereof from which water may be conducted for the purposes of irrigation in accordance with the provisions of this Law, and the area over which water may be conducted from such rivers and streams : Provided always, that three months' notice be previously given by the Surveyor-General in the *Natal Government Gazette* setting forth such rivers, streams, or portions thereof as it is intended to declare available for purposes of irrigation ; and that it shall be competent to any person or persons whose lands are adjacent to or traversed by such rivers, streams, or part or parts thereof, or who are otherwise interested, to memorialise the Governor, through the office of the Surveyor-General, against such rivers or streams being so declared available for purposes of irrigation,

Governor in Council may declare certain streams to be streams from which water may be conducted, and area over which water may be conducted. Notice to be given in the *Government Gazette*.

Owners may memorialise against such declaration,

Irrigation.

Memorial to be reported on by Surveyor-General.

If no valid objection, Governor may declare streams available by notice in *Government Gazette*.

Governor may grant lease for water to be carried from any declared streams over land not the property of those so carrying it.

Application for permission, with plan of land to be traversed, and of works to be sent to the Surveyor-General, and copies to owners of land three months in advance.

Twenty-eight days notice to be given.

If no objection be lodged, Governor may declare the applicant entitled to lead water and enter on the land. (See Law 16, 1872.)

Constitution of Board for hearing.

Decision of the Board subject to appeal to Supreme Court. If objection sustained, application shall not be granted.

4. Any such memorial shall be referred to the Surveyor-General for his report; and upon receipt of such report, if it appear that in the opinion of the Surveyor-General (subject always to confirmation by the Governor in Council) no valid objection is shown, it shall be competent for the Governor to declare, by notification in the *Natal Government Gazette*, such rivers, streams, or portions thereof to be available for the purposes of irrigation within the meaning and subject to the provisions of this Law.

5. The Governor shall be and is hereby empowered to grant leave to any person, persons, or companies to carry water from any rivers or streams, or portions thereof, so declared available for irrigation, over land not the property of such persons or companies for the purposes of such irrigation, subject always to the following provisions, which shall stand in place of those set forth in Clause 6 of the Land Clauses Consolidation Law of 1872, otherwise herewith incorporated as aforesaid.

6. When and so often as any person, persons, or company, shall desire to lead water from a stream or river so declared available for irrigation purposes over land belonging to another, he or they shall forward a plan of the land to be traversed and the work to be executed, together with an application for leave to carry out the same, to the Surveyor-General, three months before such application shall be heard and considered, and shall at the same time transmit to the owner of the land a copy of such application, and of the plan accompanying it, and shall give to the owner of the land at least 28 days' notice of the day set down for dealing with the application.

7. If no objection be lodged at the Surveyor-General's office by the person or persons through whose land it is proposed to bring such water, on or before the day appointed for dealing with the application, the Governor is hereby empowered to declare such person or persons authorised to bring such water to his or their land, and to enter upon and take land for the purpose of so doing, subject to the provisions of Law 16 of 1872, except so far as they are modified by this Law.

8. In the event of an objection being lodged with the Surveyor-General by the person or persons over whose land the water is to be brought, on the ground that the water might reasonably be conducted by some other way, or for any other reason specially and peculiarly affecting the property which it is designed to traverse, the Governor shall cause reference to be made to a Board to consist of the Surveyor-General, assisted by two competent assessors—the one to be nominated by the person or persons making the application, and the other by the person or persons whose land it is proposed to traverse—to determine whether such objection is a valid and sufficient one: Provided that the finding of such Board shall be subject to appeal to the Supreme Court of the Colony in the same form and manner, and upon the like notice as appeal is instituted and prosecuted from the Magistrates' Courts, the decision of the Supreme Court being final; and, in the event of such objection being sustained, leave shall not be granted to carry the water over the land in question.

Irrigation.

9. In the event, however, of such objection being declared invalid, either by the finding of the Board, if not appealed from, or upon appeal made to the Supreme Court as aforesaid, the Governor in Council may and shall declare the applicant authorised to lead such water to his land, in the same manner as if no objection had been lodged against him doing so, as provided for in Section 7.

If objection invalid, then as in Sec. 7.

10. In all cases where leave to lead water over land belonging to another has been granted under this Law, such leave shall be taken also to give authority to enter upon the land traversed for the purpose, from time to time, of repairing the watercourses that may be constructed, upon reasonable notice being given to the owner; and also to take from the land such material as may be necessary for the said repairs, subject always to the same provisions for compensation to the owner for any damage he may sustain through the removal of such material as apply to damage resulting from the taking of the land as hereinbefore set forth.

Leader of water to have leave, upon notice, to enter on land for repairs to watercourses, and to take materials therefor from the land.

Compensation for damage.

11. If, before the passing of this Law, water shall have been led over the land of an adjoining farm with the permission of the owner or owners of such farm, the person, persons, or Company acting under such permission may forward a plan of the land so traversed by such watercourse, together with an application for leave to continue the same, to the Surveyor-General, and shall follow the procedure set forth in the 6th Section of this Law.

Procedure where water has been led over adjoining lands before passing of the Law.

12. If no objection is lodged by the person or persons over whose land the water is led by permission as aforesaid, or if objection be lodged but not sustained, the Governor is hereby empowered in either such case to declare such watercourse to be a watercourse under the provisions of this Law.

If no objection, or if objection be overruled, Governor may declare the watercourse.

13. If objection be lodged against any watercourse so constructed with permission, as aforesaid, such objection shall be dealt with in the manner indicated in Clauses 7 and 8 of this Law; and in the event of the objection being sustained, no declaration shall be required from or made by the Governor.

Objections to be dealt with, according to Sections 7 and 8. If sustained no declaration to be made.

14. The leading of water for the purposes of irrigation, in accordance with the provisions of this Law, shall be deemed to be an "undertaking" within the meaning of Section 1 of Law 16 of 1872, and any person, persons, or Company, who may be authorised to bring water over any lands, in accordance with the provisions of this Law, shall be deemed to be persons authorised to take lands within the meaning of Clause 2 of the said Law 16 of 1872, as fully as if this Law directly authorised such person, persons, or Company to lead water over lands not their own for the purposes of irrigation.

Leading of water under this Law to be an "undertaking" within the meaning of Sec. 1 of Law 16, 1872, and persons authorised to lead to be within the meaning of Clause 2 of same Law.

15. If the conveyance of water under the authority of this Law shall deprive any person of any water or right of water which he may, at the time of such conveyance of water, possess or be entitled to possess, and shall thereby cause damage to such person or to his property, such person shall be entitled to recompense or compensation to be settled in case of difference, as if the diversion of water constituted a damage to the land within the meaning of the

Compensation for deprivation of water or water-right by conveyance under authority of this Law.

Irrigation.

See Sec. 65 of
Law 16, 1872.
Proviso.

65th section of the Land Clauses Consolidation Law, No. 16, of 1872 : Provided always, that such section shall be read as applying to a person or persons as well as to a Company.

Penalty for
fraudulent div-
ersion of water
from authorised
stream.

16. Any person fraudulently diverting water from any river, stream, watercourse, or water channel which has been authorised by this Law, shall, on conviction, be liable to a penalty not exceeding £10, or to imprisonment, with or without hard labour, for any period not exceeding three months.

Penalty for
obstruction of
person authorised
to inspect or
report, and for
breaking down
watercourse or
embankment, or
hindering flow
of water, or
causing it to
escape.

17. Any person who shall wilfully obstruct or interrupt any person authorised by or on behalf of the Government to inspect or report under the Law upon any lands, premises, or works in the execution of any duty authorised under this Law ; and any person who shall wilfully break down any embankment, watercourse, or the banks thereof, or any other work erected or constructed, or in course of erection or construction, or shall knowingly or wilfully hinder the flow or cause the escape of any water in, or retained, or held by, or in any watercourse or other work constructed or in course of construction under this Law, shall be liable, on conviction, to a penalty not exceeding £10, or to imprisonment, with or without hard labour, for a period not exceeding three months.

Obligations of
persons availing
themselves of
this Law.

18. Any person or company availing himself or themselves of powers to construct a watercourse under this Law, shall, when required by the Resident Magistrate, by order, to do so, make and at all times maintain the following works, that is to say :—

(a) Culverts
and means of
crossing.

(a) Such and so many culverts or other means of communication as may be wanted over the watercourse, for the purpose of making good any interruptions, caused by the watercourse, over the land on which it is constructed.

Fences for
protection of
persons or stock
where dangerous

(b) Also sufficient fences for protecting against injury, person, persons, or stock passing by any places dangerous to their safety from depth of watercourse, or other causes resulting therefrom, and which would not be dangerous had the watercourse not been constructed.

19. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 2nd day of March, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,

Colonial Secretary.

Rape and Indecent Assault.

LAW No. 27, 1887.

(Signed) A. E. HAVELOCK.

*To regulate and define the punishment for the crimes of Rape and Assault with intent to commit Rape and of Indecent Assault.**Vide Law 25, 1886, and 17, 1889.*

WHEREAS it is expedient to regulate and define the punishment for the crimes of Rape and Assault with intent to commit Rape and of Indecent Assault :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. From and after the commencement of this Law every person convicted of the crime of Rape shall be sentenced by the Judge to be hanged by the neck until he is dead.

Every person convicted of rape to be sentenced to be hanged.

2. [Repealed by Law 17, 1889.]

3. Whoever shall be convicted of an indecent assault upon any female shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labour ; or if a male, to a whipping not exceeding 36 lashes ; or such offender may be punished both by such imprisonment and whipping.

Punishment for indecent assault.

4. All offences against the preceding section of this Law and any contravention thereof shall be prosecuted before, and be cognisable in, the Court of any Resident Magistrate of any County or Division in which the offender shall be found or where the offence shall be committed : Provided that the accused person shall be entitled to be tried by a Jury : Provided, always, that in cases of indecent assault upon female children under the age of fourteen years it shall not be competent for the accused to demand a Jury, nor for the Resident Magistrate to commit for trial before a Higher Court any offender accused of such an indecent assault on any female child under the age of fourteen years.

Offences against Sec 3 cognisable in Court of Resident Magistrate.

But accused may demand a jury. *Proviso* : cases of indecent assault on children to be tried by the Magistrate only.

5. When and as often as any Court of Resident Magistrate shall sentence any person upon any such conviction to be imprisoned with or without hard labour for any period exceeding three months or to whipping exceeding twenty-five lashes, the Magistrate pronouncing such sentence shall forward to the Registrar of the Supreme Court not later than five days next after the determination of the case the record of the proceedings in the case, together with such remarks, if any, as he may desire to append.

Certain sentences by Magistrates to be forwarded with the record to the Registrar of the Supreme Court.

6. [Repealed by Law 25, 1888.]

7. The execution of any sentence of imprisonment, with or without hard labour, shall not be suspended by the transmission of or the obligation to transmit the record aforesaid, unless the person sentenced shall give sufficient bail to surrender himself in order to undergo such imprisonment in case the proceedings in the case shall be approved as aforesaid, and in case a written notice to surrender, signed by the Clerk of the Court of the convicting Magistrate, shall be served upon or for the person at some place to be mentioned in the

Judgment not to be suspended by reason of such transmission of record, unless bail be given.

Notice requiring prisoner to surrender to bail.

Rape and Indecent Assault.—Electoral Districts.

bail bond or recognizance; and every such notice requiring the surrender of the person shall be served in manner and form as are prescribed and directed by the rules and regulations of the Courts of Resident Magistrates in regard to the service of a summons on a defendant in a civil case; and if in any case a person sentenced to receive any number of lashes exceeding twenty-five shall not be also condemned to be imprisoned for such a period as shall allow time for the Judge's certificate to be received before inflicting the said lashes, such person, in case he shall not give sufficient bail for his appearance after being served at some place to be mentioned in the bail bond or recognizance with a written notice signed by such Clerk as aforesaid requiring him so to do, and in case he shall not desire to receive his punishment at once and be thereupon discharged (which desire shall be recorded and signed by the prisoner, and also witnessed), shall be detained in custody until the proceedings in the case shall be returned as aforesaid: Provided always, that in every case in which any person sentenced as aforesaid shall give bail as aforesaid, it shall be lawful for the Magistrate, should he so think fit, to take bail also for the cost and charge of serving such notice as aforesaid, if necessary, which cost and charge shall be the same as that of serving a summons in a civil case against the same person at the same place as the same shall have been transmitted.

8. Every person charged with an offence under this Law, and the spouse of the person so charged, shall be competent, but not compellable, witnesses on every hearing at every stage of such charge.

9. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 9th day of March, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 28, 1887.

(Signed) A. E. HAVELOCK.

To alter and subdivide the Electoral District of Pietermaritzburg County.

Preamble.

WHEREAS it is desirable that the Electoral District of the County of Pietermaritzburg should be subdivided into three Electoral Districts:

Electoral Districts.

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. Save so far as in conflict with this Law, all former Laws and Charters now existing shall be deemed to remain in full force and effect, notwithstanding the passing thereof.

Former Laws and Charters to remain in force.

2. From and after the end of this present Legislative Council the Electoral District of the County of Pietermaritzburg shall cease to be an Electoral District for the purposes of returning members to serve in the Legislative Council of Natal.

3. From and after the end of this present Legislative Council the Electoral District of the County of Pietermaritzburg shall be sub-divided into three Electoral Districts :—

The first to be named and called the Electoral District of Umgeni.

The second to be named and called the Electoral District of Lion's River.

The third to be named and called the Electoral District of Ixopo.

Electoral District of Pietermaritzburg to be sub-divided into three Electoral Districts.

4. From and after the end of this present Legislative Council the Electoral District of Umgeni shall return one member to serve in the Legislative Council of Natal.

Umgeni District to return one member.

5. From and after the end of this present Legislative Council the Electoral District of Ixopo shall return one member to serve in the Legislative Council of Natal.

Ixopo District to return one member.

6. From and after the end of this present Legislative Council the Electoral District of Lion's River shall return one member to serve in the Legislative Council of Natal.

Lion's River District to return one member.

7. For the purposes of any election of a member for the Electoral District of Umgeni before the First day of September, 1887, the Voters' List now in force for the said Wards No. 1 and No. 6 shall be deemed to be the list of persons qualified to vote at any such election for the Electoral District.

Voters' List for Umgeni District.

8. For the purposes of any election of a member for the Electoral District of Lion's River before the First day of September, 1887, the Voters' List now in force for the said Wards No. 2, No. 3, and No. 4, shall be deemed to be the list of persons qualified to vote at any such election for the Electoral District.

Voters' List for Lion's River District.

9. For the purposes of any election of a member for the Electoral District of Ixopo before the First day of September, 1887, the Voters' List now in force for the said Wards No. 5 and No. 7 shall be deemed to be the list of persons qualified to vote at any such election for the Electoral District.

Voters' List for Ixopo District.

10. The Governor in Council may specify and determine the boundaries of such Electoral Districts respectively, by Proclamation in the *Government Gazette*, and until so specified and determined the boundaries fixed and appointed by the Proclamation of 28rd May, 1874, for the Wards No. 1 and No. 6 of the County or Electoral District of Pietermaritzburg shall be the boundaries of the Electoral

Empowers Governor in Council to fix boundaries of Electoral Districts.

Electoral Districts.—Ballot.

Boundaries of Umgeni District.

District of Umgeni, and the said new Electoral District of Umgeni shall be composed of and shall extend over the said Wards No. 1 and No. 6 of the said County of Pietermaritzburg.

Boundaries of Lion's River District.

11. The boundaries fixed and appointed by the said Proclamation for the Wards No. 2, No. 3, and No. 4 of the County or Electoral District of Pietermaritzburg, shall be the boundaries of the Electoral District of Lion's River, and the said Electoral District of Lion's River shall be composed of, and shall extend over, the said Wards No. 2, No. 3, and No. 4 of the said County of Pietermaritzburg.

Boundaries of Ixopo District.

12. The boundaries fixed and appointed by the said Proclamation for the Wards No. 5 and No. 7 of the County or Electoral District of Pietermaritzburg, shall be the boundaries of the Electoral District of Ixopo, and the said Electoral District of Ixopo shall be composed of, and shall extend over, the said Wards Nos. 5 and 7 of the said County of Pietermaritzburg.

Framing of writs and making of appointments under this Law.

13. All writs to be issued for the election of members of the Legislative Council under this Law, and all appointments of officers, and all proceedings relative to such elections, and to the registration of votes, shall be framed, made, and expressed in such manner as may be necessary for carrying into effect the provisions of this Law, and subject to the provisions of this Law the Charters and Laws now in force relating to all election purposes shall remain in full force and effect, and shall apply, as nearly as circumstances admit, to any constituency created or authorised under this Law to return a member to serve in the Legislative Council, to the same extent and in the like manner as if such Electoral District had before returned such member to the Legislative Council.

Laws and Charters now in force shall apply, as far as possible, to constituencies created under this Law.

Commencement of Law.

14. This Law shall not come into operation unless and until the Officer Administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same or any other Proclamation.

Suspending Clause.

Given at Government House, Natal, this 9th day of March, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 29, 1887.

(Signed) A. E. HAVELOCK.

To amend the Law relating to elections of Elective Members of the Legislative Council.

Preamble.

WHEREAS it is desirable to introduce voting by ballot, and with that object to amend the Laws as to the voting at Elections of Elective Members of the Legislative Council of this Colony:

Ballot.

Be it therefore enacted by the Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. From and after the end of the present Legislative Council, in all elections of members to serve in the Legislative Council the votes shall be given by ballot. The ballot of each voter shall consist of a paper (in this Law called a ballot paper) showing the names and description of the candidates. Each ballot paper shall have a number printed on the back, and shall have attached a counterfoil with the same number printed on the face. At the time of voting the ballot paper shall be marked on both sides with an official mark, and delivered to the voter within the polling station, and the number of such voter on the register of voters shall be marked on the counterfoil, and the voter having secretly marked his vote on the paper, and folded it up so as to conceal his vote, shall place it in a closed box in the presence of the officer presiding at the polling station (in this Law called "the Presiding Officer") after having shown him the official mark at the back.

Introduction
of election by
ballot.

2. Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything, except the said number on the back, is written or marked by which the voter can be identified, shall be void and not counted.

Irregularities
invalidating
votes.

3. After the close of the poll the ballot boxes shall be sealed up, so as to prevent the introduction of additional ballot papers, and shall be taken charge of by the returning officer, and that officer shall, in the presence of such agents, if any, of the candidates as may be in attendance, open the ballot boxes, and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare to be elected the candidates or candidate to whom the majority of votes have been given, and return their names to the Colonial Secretary. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

Ascertaining
result of poll.

Declaring the
election.

Petition against
the decision of
the returning
officer.

4. Every person who

- (1) Forges or counterfeits, or fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper ; or
- (2) Without due authority supplies any ballot paper to any person ; or,
- (3) Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in ; or,
- (4) Fraudulently takes out of the polling station any ballot paper ; or,
- (5) Without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election,

Offences in
respect of ballot
papers and
ballot box.

Ballot.

shall be guilty of a crime or offence, and be liable, if he is a returning officer, or a presiding officer, or an officer or clerk in attendance at a polling station, to imprisonment for any term not exceeding two years, with or without hard labour, and if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour.

Punishment.

Attempted offences.

Indictment.

Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

In any indictment or other prosecution for an offence in relation to the ballot boxes, ballot papers, and marking instruments at an election, the property in such papers, boxes, and instruments may be stated to be in the returning officer at such election as well as the property in the counterfoils.

Secrecy to be observed by officers, clerks, and agents, and other persons.

5. Every officer, clerk, and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any elector who has or has not applied for a ballot paper, or voted at that station, or as to the official mark; and no such officer, clerk, or agent, and no person whosoever, shall interfere with, or attempt to interfere with, a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station. Every officer, clerk, and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall, directly or indirectly, induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Penalty for contravention of Sec. 5.

Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before any Resident Magistrate, to imprisonment for any term not exceeding six months, with or without hard labour.

Qualification to vote.

6. At any election for any electoral district, a person shall not be entitled to vote unless his name is on the voters' list for the time being in force for such electoral district, and every person whose name is on such voters' list shall be entitled to demand and receive a ballot paper and to vote.

Duties of returning officer.

7. Subject to the provisions of this Law, every returning officer shall provide such polling stations, ballot boxes, ballot papers, stamping instruments, copies of voters' lists, and other things, at

Ballot.

each and every appointed polling place, appoint and pay such officers, and do such other acts and things as may be necessary for effectually conducting an election in manner provided by this Law. All expenses properly incurred by any returning officer in carrying into effect the provisions of this Law, in the case of any election of elective members of the Legislative Council, shall be payable out of and be a charge upon the general revenue of the Colony.

His expenses payable from general revenue.

8. If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any constable in or near that station, or any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station during that day.

Misconduct in polling station.

Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a Resident Magistrate: Provided that the powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

9. Any presiding officer and any clerk appointed by the returning officer to attend at a polling station shall have the power of asking the questions and administering the form of declaration hereunder authorised to be asked of and administered to voters, and any Justice of the Peace and any returning officer may take and receive any declaration authorised by this Law to be taken before him:—

Questions to be asked of and declaration to be administered to voters.

FORM OF DECLARATION.

You do affirm [or declare as the case may be] that you are the same person whose name appears as A.B. in the list of Voters now in force for the electoral district of _____, and that you have not voted here or elsewhere at the present election for the electoral district of _____.

Form of declaration.

10. Every returning officer, presiding officer, and clerk, who is guilty of any wilful act or omission in contravention of this Law shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such act or omission a penal sum not exceeding One Hundred Pounds.

Misconduct of officer or clerk.

11. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted.

No person required to state for whom he has voted.

12. No election shall be declared invalid by reason of a non-compliance with the rules contained in the First Schedule to this Law, or any mistake in the use of the forms in the Second Schedule to this Law, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in the body of this Law, and that such non-compliance or mistake did not affect the result of the election.

Certain omissions and mistakes not to invalidate election.

Ballot.

Law to be construed with the Charter of 1856 and other laws in force.

13. This Law shall, so far as is consistent with the tenour thereof be construed as one with the provisions of the Royal Charter of Natal, bearing date the 15th day of July, 1856, and any other laws for the time being in force relating to the election of elective members of the Legislative Council, and in construing the said Royal Charter and Laws relating to an election, or to the poll or taking the votes by poll, the mode of election and of taking the poll established by this Law shall be deemed to be substituted for the mode of election or poll or taking the votes by poll referred to in the said Royal Charter and Laws; and any person applying for a ballot paper under this Law shall be deemed to tender his vote.

Offence of personation.

14. The following enactments shall be made with respect to personation at the elections of Elective Members of the Legislative Council, held and coming within the provisions of this Law :—

A person shall, for all the purposes of the Laws relating to elections by this Law provided for, be deemed to be guilty of the offence of personation who, at an election held and coming within the provisions of this Law, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name.

Punishment.

The offence of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation by any person, shall be an offence, and any person convicted thereof shall be punished by imprisonment for a term not exceeding two years, together with hard labour. It shall be the duty of the returning officer to institute a prosecution against any person whom he may believe to have been guilty of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation by any person at the election for which he is returning officer; and the costs and expenses of the prosecutor and the witnesses in such case, together with compensation for their trouble and loss of time, shall be allowed by the Court.

Participation in offence.

If on the trial of any election petition questioning the election or return for any electoral district any candidate is found by the report of the Judge, by himself or his agents to have been guilty of personation, or by himself or his agents to have aided, abetted, counselled, or procured the commission at such election of the offence of personation by any person, such candidate shall be incapable of being elected or sitting in the Legislative Council for such electoral district during the Session then in existence.

See Election Petitions Law, 1883.

15. Where a candidate, on the trial of an election petition under the provisions of "The Elections' Petitions Law, 1883," claiming the seat of any person, is proved to have been guilty, by himself or by any person on his behalf, of bribery, treating, or undue influence in respect to any person who voted at such election, or where any person retained or employed for reward by or on behalf of such candidate for all or any of the purposes of such election, as agent, clerk, messenger, or in any other employment, is proved at such trial to have voted at such election, there shall, on a scrutiny, be struck off

Voters invalidated for bribery and other causes.

Ballot.

from the number of votes appearing to have been given to such candidate one vote for every person who voted at such election and is proved to have been so bribed, treated, or unduly influenced, or so retained or employed for reward as aforesaid.

16. The requisition mentioned in the Royal Charter of Natal, Section 13, shall not be published by the Resident Magistrate in terms of the said Section until there shall have been paid by or on behalf of the candidate mentioned in such requisition, the sum of £25 sterling, to be dealt with as hereinafter is provided, and no candidate by or for whom, or on whose behalf such payment shall not have been made, shall be or be deemed to be a candidate at such election.

£25 to be deposited by candidate.

17. When an election shall take place under the provisions of this Law, the moneys so paid as aforesaid to the Resident Magistrate by such candidate as shall not afterwards have received at the said election a number of votes equal at least to one-fifth part of the votes received by the successful candidate, if only one, or by such one of the successful candidates if there shall be more than one, as shall have received the smallest number of votes, shall be forfeited and be paid over to the Colonial Treasurer to the General Revenue; and after every election the said Resident Magistrate shall pay to each of the candidates who shall have been returned without a poll, or who shall have received a number of votes equal at least to such fifth part, whether declared elected or not, the money so paid by or for him or them respectively.

Disposal of the £25 deposit.

18. Schedules to this Law, and the notes thereto and directions therein, shall be construed and have effect as part of this Law.

Schedules embodied in the Law.

19. In this Law, and the Schedule thereof, the words "Returning Officer," shall mean the officer for the time being appointed as such by the Governor, for the Electoral District in which any election takes place. The words "Presiding Officer" shall mean the "Fieldcornet" or other officer appointed by the Returning Officer for the purpose of taking the poll. The word "Agents" shall mean and include Scrutineer.

Interpretation.

20. This Law may be cited as "The Ballot Law, 1886."

Short title.

21. The tenth section of the Constitution Amendment Law, 1882, shall be and the same is hereby repealed, and in lieu thereof the following section is substituted:—Any elector on the Voters' List for any electoral district may record his vote at any election for a member to serve in the Legislative Council of Natal for such electoral district at any polling place appointed in any ward of such electoral district.

Repeal of Sec. 10 of the Constitution Amendment Law, 1882.

Substituted clause.

22. This Law shall not come into operation unless and until the Officer Administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same or any other Proclamation.

Commencement of Law.

Ballot.

FIRST SCHEDULE.

Schedules.

1. Each polling place or station, appointed under the provisions of the Royal Charter 1856, shall be furnished with such number of compartments, in which the voters can mark their votes screened from observation, as the returning officer thinks necessary, so that at least one compartment be provided for every one hundred and fifty electors entitled to vote at such polling station.

2. A separate room or separate booth may contain a separate polling station, or several polling stations may be constructed in the same room or booth.

3. The returning officer shall provide each polling station with materials for voters to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of voters, or such part thereof as contains the names of the voters allotted or entitled to vote at such station. He shall keep the official mark secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections in the same electoral district.

4. The returning officer shall appoint a presiding officer to preside at each station, and the officer so appointed shall keep order at his station, shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the clerks, the agents of the candidates, and the constables on duty.

5. Every ballot paper shall contain a list of the candidates described as in their respective duly accepted requisitions, and arranged alphabetically in the order of their surnames, and (if there are two or more candidates with the same surname) of their other names; it shall be in the form set forth in the Second Schedule to this Law, or as near thereto as circumstances admit, and shall be capable of being folded up.

6. Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked. The presiding officer at any polling station, just before the commencement of the poll, shall show the ballot box empty to such persons, if any, as may be present at such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

7. Immediately before a ballot paper is delivered to an elector it shall be marked on both sides with the official mark, either stamped or perforated, and the number, name, and description of the elector, as stated in the copy of the voters' list, shall be called out, and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the voters' list against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

Ballot.

8. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the Polling Station, and there mark his paper, and fold it up so as to conceal his vote, and shall then put his ballot paper, so folded up, into the ballot box; he shall vote without undue delay, and shall quit the Polling Station as soon as he has put his ballot paper into the ballot box.

9. The presiding officer, on the application of any voter who is incapacitated by blindness, or other physical cause, from voting in manner prescribed by this Law, or of any voter who makes such a declaration as hereinafter mentioned, that he is unable to read, shall, in the presence of the agents of the candidates, cause the vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper to be placed in the ballot box, and the name and number on the list of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list, in this Law called "the list of votes marked by the presiding officer." The said declaration in this Law referred to as "the declaration of inability to read," shall be made by the voter at the time of polling, before the presiding officer, who shall attest it in the form hereinafter mentioned, and no fee, stamp, or other payment shall be charged in respect of such declaration, and the said declaration shall be given to the presiding officer at the time of voting.

10. If a person, representing himself to be a particular elector named on the voters' list, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions and making the affirmation permitted by law to be asked of and to be administered to voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Law called a tendered ballot paper) shall be of a colour differing from the other ballot papers, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number on the list of voters, and set aside in a separate packet, and shall not be counted by the returning officer. And the name of the voter and his number on the voters' list shall be entered on a list, in this Law called "the tendered votes' list."

11. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Law called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled.

12. The presiding officer of each station, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal

Ballot.

and the seals of such agents of the candidates as desire to affix their seals—

- (1) Each ballot box in use at his station, unopened, but with the key attached ; and
- (2) The unused and spoilt ballot papers placed together ; and
- (3) The tendered ballot papers ; and
- (4) The marked copies of the register of voters, and the counterfoils of the ballot papers ; and
- (5) The tendered votes' list, and the list of votes marked by the presiding officer, and a statement of the number of voters whose votes are so marked by the presiding officer under the heads "physical incapacity" and "unable to read," and the declarations of inability to read,

and shall deliver such packets to the returning officer or Resident Magistrate of the Division.

13. The packets shall be accompanied by a statement made by such presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, which statement is in this Law referred to as the ballot paper account.

14. The candidates may respectively appoint agents to attend the counting of the votes.

15. The returning officer shall make arrangements for counting the votes in presence of the agents of the candidates as soon as practicable after the close of the poll, and shall give to the agents of the candidates appointed to attend at the counting of the votes notice in writing of the time and place at which he will begin to count the same.

16. The returning officer, his assistants and clerks, and the agents of the candidates, and no other person, except with the sanction of the returning officer, may be present at the counting of the votes.

17. Before the returning officer proceeds to count the votes, he shall, in the presence of the agents of the candidates, open each ballot box, and taking out the papers therein, shall count and record the number thereof, and then mix together the whole of the ballot papers contained in the ballot boxes. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of such papers.

18. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (except so far as he and the agents otherwise agree) the hours between seven o'clock at night and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise

Ballot.

take proper precautions for the security of such papers and documents.

19. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement, "rejection, objected to," if an objection be in fact made by any agent to his decision. The returning officer shall report to the Colonial Secretary the number of ballot papers rejected and not counted by him under the several heads of—

- (1) Want of official mark ;
- (2) Voting for more candidates than entitled to ;
- (3) Writing or mark by which voter could be identified ;
- (4) Unmarked or void for uncertainty ;

and shall, on request, allow any agents of the candidates, before such report is sent, to copy it.

20. Upon the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or marked copy of the register of voters and counterfoils, but shall proceed in the presence of the agents of the candidates to verify the ballot paper account given by each presiding officer, by comparing it with the number of ballot papers recorded by him as aforesaid and the unused and spoilt ballot papers in his possession and the tendered votes' list, and shall re-seal each sealed packet after examination. The returning officer shall report to the Colonial Secretary the result of such verification, and shall, on request, allow any agents of the candidates, before such report is sent, to copy it.

21. Lastly, the returning officer shall forward to the Colonial Secretary all the packets of ballot papers in his possession, together with the said reports, the ballot paper accounts, tendered votes' lists, lists of votes marked by the presiding officer, statements relating thereto, declarations of inability to read, and packets of counterfoils and marked copies of voters' lists, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the electoral district for which such election was held.

22. The Colonial Secretary shall retain for a year all documents relating to an election forwarded to him in pursuance of this Law by a returning officer, and then, unless otherwise directed by an order of the Supreme Court or of one of the judges thereof, shall cause them to be destroyed.

23. No person shall be allowed to inspect any rejected ballot papers in the custody of the Colonial Secretary, except under an order of the Supreme Court or one of the judges thereof, granted by such Court or judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return ; and any such order for the inspection or pro-

Ballot.

duction of ballot papers may be made subject to such conditions as to persons, time, place, and mode of inspection or production as the Court making the same may think expedient, and shall be obeyed by the Colonial Secretary. Any power given to a Court by this rule may be exercised by any judge of such Court at Chambers.

24. No person shall, except by order of the tribunal established under the Election Petitions Law, 1883, having cognizance of petitions complaining of undue returns or undue elections, open the sealed packet of counterfoils after the same has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the Colonial Secretary; such order may be made subject to such conditions as to persons, times, place, and mode of opening or inspection as the tribunal making the order may think expedient: Provided that, on making and carrying into effect any such order, care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted, and his vote has been declared by a competent Court to be invalid.

25. All documents forwarded by a returning officer in pursuance of this Law to the Colonial Secretary, other than ballot papers and counterfoils, shall be open to public inspection at such time and under such regulations as may be prescribed by the Colonial Secretary, with the consent of the Speaker; and the Colonial Secretary shall supply copies of or extracts from the said documents to any persons demanding the same, on payment of such fees and subject to such regulations as may be sanctioned by the Governor in Council.

26. Where an order is made for the production by the Colonial Secretary of any document in his possession relating to any specified election, the production by such Colonial Secretary or his agent of the document ordered, in such manner as may be directed by such order, or by a rule of the Court having power to make such order, shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by such Colonial Secretary, or his agent, shall be evidence of such papers being what they are stated to be by the endorsement. The production, from proper custody, of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number, and having a number marked thereon in writing, shall be *prima facie* evidence that the person who voted by such ballot paper was the person who, at the time of such election, had affixed to his name in the voters' list at such election the same number as the number written on such counterfoil.

27. The return of a member or members elected to serve in the Legislative Council for any electoral district shall be made by a certificate of the names of such member or members under the hand of the returning officer, endorsed on the writ of election for such electoral district, and such certificate shall have effect and be dealt with in like manner as the return under the existing Royal Charter, and

Ballot.

the returning officer may, if he thinks fit, deliver the writ with such certificate endorsed to the Postmaster of the principal Post Office of the place of election, or his deputy, and in that case he shall take a receipt from the Postmaster or his deputy, for the same; and such Postmaster, or his deputy, shall then forward the same by the first post, free of charge, under cover, to the Colonial Secretary, with the words "Election Writ and Return" endorsed thereon.

28. The returning officer shall, as soon as possible, give public notice of the names of the candidates elected, and in the case of a contested election, of the total number of votes given for each candidate, whether elected or not.

29. The returning officer may, if he think fit, preside at any polling station, and the provisions of this Law relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer to the presiding officer, or the presiding officer to the returning officer.

30. In the case of a contested election for any electoral district, the returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes.

31. No person shall be appointed by a returning officer for the purposes of an election who has been employed by any other person in or about the election.

32. The presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorised to do by this Law at a polling station, except ordering the arrest, exclusion, or ejection from the polling station of any person.

33. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Law, attend.

34. The name and address of every agent of a candidate appointed to attend the counting of the votes shall be transmitted to the returning officer one clear day at the least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been so transmitted, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to an agent by the returning officer may be delivered at or sent by post to such address.

35. If any person appointed an agent by a candidate for the purposes of attending at the polling station, or at the counting of the votes, die or becomes incapable of acting during the time of the election, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent so appointed.

36. Every returning officer, and every officer, clerk, or agent authorised to attend at a polling station, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence, if he is the returning officer, of a justice of the peace, and if he is any other officer, or an agent, of a

AA

Ballot.

justice of the peace, or of the returning officer ; but no such returning officer, officer, clerk, or agent as aforesaid shall, save as aforesaid, be required, as such, to make any declaration or take any oath on the occasion of any election.

37. Where in this Law any expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.

SECOND SCHEDULE.

NOTE.—The forms contained in this Schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

FORM OF BALLOT PAPER.**FORM OF FRONT OF BALLOT PAPER.****COUNTERFOIL**

No.

Note.—The counterfoil is to have a number to correspond with that on the back of the ballot paper.

1	BROWN (John Brown, of 52, George street, Bristol, merchant.)	
2	JONES (William David Jones, of High Elms, Wilts, Esquire.)	
3	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swanworth, Berks.)	
4	SMITH (Henry Sydney Smith, of 72, High-street, Bath, Attorney.)	

*Ballot.***FORM OF BACK OF BALLOT PAPER.****No.****Election for.....Electoral District,****18****NOTE**—The number on the ballot paper is to correspond with that in the counterfoil.**DIRECTIONS AS TO PRINTING BALLOT PAPER.**

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, addresses, and descriptions, and the number on the back of the paper, shall be printed in small characters.

Form of directions for the guidance of the voter in voting, which shall be printed in conspicuous characters, and placarded outside every polling station and in every compartment of every polling station.

The voter may vote for candidate . The voter will go into one of the compartments, and with the pencil provided in the compartment place a cross on the right-hand side, opposite the name of each candidate for whom he votes, thus X.

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than candidate , or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of an offence, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

NOTE—These directions shall be illustrated by examples of the ballot paper.

FORM OF STATUTORY DECLARATION OF SECRECY.

I solemnly promise and declare, that I will not at this election for do anything forbidden by Section Five of "The Ballot Law, 1886," which has been read to me.

NOTE—The section must be read to the declarant by the person taking the declaration.

Ballot.—Fences.

FORM OF DECLARATION OF INABILITY TO READ.

I, A. B., of _____, being numbered on the *List of Voters for the Electoral District of* _____, do hereby declare that I am unable to read.

A. B. his mark.

_____ day of _____
I, the undersigned, being the presiding officer for the polling station for the Electoral District of _____ do hereby certify that the above declaration, having been first read to the above-named A. B., was signed by him in my presence with his mark.

(Signed) C. D.,
Presiding Officer for _____ Polling Station
for the Electoral District of _____
day of _____

Given at Government House, Natal, this 14th day of March, 1887.

By command of His Excellency the Governor,

(Signed) H. C. SHEPSTONE,
Acting Colonial Secretary.

LAW No. 80, 1887.

(Signed) A. E. HAVELOCK.

To regulate the Erection and Maintenance of Dividing Fences.

WHEREAS it is expedient that the erection and maintenance of Dividing Fences between adjoining properties should be regulated:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Law may be cited as "The Fencing Law, 1887," and shall come into force from and on the day of the promulgation thereof in the *Natal Government Gazette*.

2. The provisions of this Law shall be in operation in such Magisterial Divisions as the Governor shall by Proclamation prescribe.

3. In case any fifteen owners of land, each holding different farms, resident in any Magisterial Division, shall request the Resident Magistrate of the Magisterial Division to convene a public meeting of the owners of land in the said Magisterial Division to be held at the seat of Magistracy, and at a time and place stated in such request, such Resident Magistrate shall convene such meeting to decide whether such Magisterial Division shall be brought under the provisions of this Law.

Amended by
Laws 86, 1887,
and 23, 1889.

Preamble.

Short title.

Law to be in
operation in
such Divisions
as the Governor
shall prescribe
by Proclamation.

On request of
fifteen land-
owners, Magis-
trate shall con-
vene meeting to
decide whether
Division shall
be brought
under the Law.

Fences.

4. The notice convening such meeting shall be published by the Resident Magistrate for a period of at least fourteen days in the *Government Gazette* and in one local newspaper, and on the Notice Board at the seat of Magistracy, and a copy of such notice shall be posted by the Resident Magistrate addressed to every person on the Electoral Roll in respect of any holding of land situated in the same Magisterial Division.

Notification of the meeting.

5. The Resident Magistrate shall preside at such meeting.

Magistrate to preside at meeting.

6. No person shall be allowed to vote at such meeting unless he is upon the electoral roll for that Magisterial Division proclaimed and defined under Ordinance No. 4, 1852, and in respect of some holding of land situated in the said Magisterial Division. If at such meeting there shall be twenty such electors present and entitled to vote thereat, and a majority consisting of two-thirds of such electors shall sign a resolution in favour of bringing such Magisterial Division under the operation of this Law, the Governor may in his discretion prescribe that the provisions of this Law shall be in operation in such Magisterial Division: Provided always, that if at any such meeting as aforesaid a resolution for bringing such Magisterial Division under the operation of this Law shall not be carried, it shall not be lawful for the Resident Magistrate of that Division to convene a meeting to bring this Law into operation until twelve months after the date of such refusal as aforesaid.

Qualification to vote.

Quorum 20 electors. Majority of two-thirds required.

If resolution be not carried, no meeting to be again called for twelve months.

7. In this Law, if not inconsistent with the context, "to repair" includes to trim, keep, and maintain any fence or ditch, or part thereof; "Alienate" and "Alienation," respectively, include a limited disposal by lease or license, as well as an absolute disposal by sale or otherwise; "Owner" includes a registered proprietor, or a lessee for any term, or a trustee holding a property in trust; "Occupier" includes any person who is in the actual occupation of or entitled as owner to occupy any land alienated from the Crown, and all persons being selectors of lands on deferred payments; "Dividing Fence" means a fence separating the lands of different occupiers; "Crown Lands" includes all lands of whatever description not alienated by the Crown under grant, lease, or by conditional purchase; "Native Location" means all lands conveyed to or vested in any Corporation or person or persons in public trust for natives; "Notice" means a notice in writing or in print, or partly in writing and partly in print, and may be served upon any person either personally or by leaving the same with some adult inmate at his usual residence or place of business, or if such person or occupier shall be absent from the Colony, then by delivering the same to or leaving the same at the residence of his known agent in the same manner. If there shall be no such agent resident in the Colony, or if such first mentioned person is not known or cannot be found, or any land is unoccupied, then it shall be sufficient to insert such notice at least three times during three months in some newspaper circulating in the district.

Interpretation.

Fences.

Any fence described in Schedule A to be deemed a sufficient fence within this Law.

An owner who before passing of this Law shall have erected a dividing fence, entitled to recover half its value from owner or occupier of adjoining land.

Proviso.

Occupiers of adjoining lands liable to contribute in equal proportions to construction of dividing fence though it do not extend along the whole boundary. It must be as far as practicable continuous.

Notice must be given, see Schedule B.

If notice be not given, contribution cannot be required.

Objections to a proposed fence, how proceeded with.

If occupiers have served each other with notice to erect different kinds of fence, how difference is to be settled.

8. It shall be lawful for any owner or occupier of land to erect a fence of any of the kinds mentioned and described in Schedule A of this Law, and any such fence shall be deemed a sufficient fence within the meaning of this Law.

9. It shall be lawful for the owner of any land who shall before the passing of this Law have erected a fence dividing such land from land adjoining thereto, his heirs and assigns, to demand and recover of and from the owner or occupier of such adjoining land half the then value of such dividing fence: Provided, always, that such fence in all other respects shall have been erected as near as may be according to the provisions of this Law.

10. The occupiers of adjoining lands not divided by a sufficient fence shall be liable to join in or contribute to the construction of a dividing fence between such lands in equal proportions, and notwithstanding that such dividing fence shall not extend along the whole boundary line; but no occupier shall be liable to contribute to any fence which is not, as far as practicable, continuous throughout its length.

11. Any person desiring to compel any other person to contribute to the construction of a dividing fence under the provisions of this Law may serve on such person a notice to fence, which shall be in the form laid down in Schedule B hereto annexed, and shall specify the boundary to be fenced, and shall contain a proposal for fencing the same, and shall specify the kind of fence proposed to be constructed. If any person shall erect any fence without giving notice as aforesaid, the occupier or the owner, as the case may be, of such adjoining land shall not be liable to pay any portion of the value of such fence.

12. If any person upon whom a notice to fence is served shall object to the kind of fence specified in such notice, and shall desire to erect a sufficient fence of a different kind, he may, if resident in the Colony, within 28 days, and if absent from the Colony, within three months, of receiving such notice, signify such objection and desire in writing to the giver thereof; and thereupon (unless the parties can agree upon the kind of fence which shall be erected) the question of the description of fence which shall be erected and the cost thereof shall be determined by a Resident Magistrate in the manner provided by Section Thirty-four of this Law.

13. If the occupiers of adjoining lands shall have served each other with notices to fence, and in such notices the descriptions of the kind of fence which the respective givers thereof desire to be erected shall vary, then (unless the parties can agree upon the kind of fence to be erected) the question of the kind of fence which shall be erected and the cost thereof shall be determined by a Resident Magistrate in the manner provided by the Thirty-fourth Section of this Law.

Fences.

14. If within four months when the land to be fenced is open land, and within six months when the land is covered with standing bush, after the service of a notice to fence, the giver and receiver thereof do not enter into an agreement as to the nature of the fence to be made and the cost thereof, and the mode and the time of making the same, and if the receiver thereof shall not serve on the giver thereof an objection in manner provided by Section Seven of this Law to the kind of fence specified, then the person giving notice to fence may proceed to erect a fence sufficient within the meaning of this Law.

If it cannot be agreed within a certain time as to the erection and cost of the fence, the person giving notice may proceed to erect a fence.

15. If either party shall neglect or fail for the space of four months to perform his part of any such agreement which may be so made, the other party may thereupon, or at any time within six months thereafter, make a fence of the kind or description so agreed upon, and may immediately thereupon, or at any time thereafter, recover from the defaulting party one-half of the actual costs of making such fence.

If either party fail for four months to perform his part of the agreement, the other may at any time within the next six months erect the fence, and recover one-half the cost.

16. The occupier of the adjoining land to whom a notice to fence shall have been given, or when such half cost has not been previously paid, any person who during the continuance of a dividing fence shall go into occupation of such adjoining land, shall be liable for and shall pay to the person who constructed the fence, or his assigns, one-half of the original value of such dividing fence within one month after a demand made upon him for the purpose by due notice.

Occupier to whom notice has been given, or any occupier after him during the continuance of the fence, liable to one half the original value, within one month after demand by notice.

17. If any person shall desire to put up a dividing fence of a description different from any fence mentioned in Schedule A, he shall give the required notice as hereinbefore provided to the parties whom he wishes to join in the making of such fence; and if the said parties shall not within two months of the delivery of the aforesaid notice object in writing to the erection of such fence, then such person first mentioned may proceed to erect such fence accordingly, and such fence shall be deemed to be a sufficient fence under this Law. Such person shall be entitled to recover from the occupiers of the adjoining lands a contribution towards the cost of erecting such fence, not exceeding in amount the maximum price allowed by this Law as the half cost of erecting a sufficient fence hereunder.

Provision in case of intention to erect a fence different from that described in Schedule A.

18. The maximum price to be paid in respect of one-half of the cost of erecting any sufficient fence shall not exceed twelve shillings per chain, except in cases of special agreement, exclusive of any extra cost for clearing bush along the line of such fence: Provided always, that no greater sum shall be charged for the erection of any fence than the absolute half of the cost of such fence. [*Vide* Law 36, 1887, Section 1.]

Contribution towards its cost.

Maximum price of half cost of fence, exclusive of clearing bush, not to exceed twelve shillings, unless by agreement. Charge not to exceed the absolute half of the cost.

19. Where any fence is required to be erected on land covered with standing bush, and the required notices as hereinbefore provided have been given, the person erecting such fence shall be

Clearing bush.

Fences.

Cost to be added to cost of fence.

When a river, creek, watercourse, or rocky or impracticable land forms the boundary, line of fence may be agreed upon on either side thereof.

How a dispute shall be settled.

Occupation of lands on either side of fence not to constitute an adverse possession.

For a ditch and bank fence, ditch may be made in adjoining land, and soil used for the bank.

But not so as to injure any live fence.

Posts or stones of a post or stone fence to be placed as near as may be on the boundary line.

Any person availing himself of a fence erected along a road to be liable to pay interest at 5 per cent. per annum on its value and for half the cost of repairs.

No roses or Mauritius thorn to be planted alongside the boundary line or fence.
Penalty.

entitled to clear the bush for a width not exceeding six feet on each side along the entire length of such fence, and may fell any tree standing in the immediate line of any such fence; and the cost of such clearing shall be added to the cost of the erection of such fence and be apportioned accordingly.

20. When a river, creek, natural watercourse, or rocky or impracticable land forms the boundary of contiguous lands, the occupiers of such contiguous lands may agree upon a line of fence on either side of such river, creek, or natural watercourse, and in the event of their not making any such agreement, either party may apply to the Resident Magistrate of the district, who may appoint one or more persons to inspect the proposed line of fencing, and who shall determine whether any fence is necessary, and decide the line of fence to be erected, and whether any and what compensation in the shape of annual payment shall be paid to either of the parties occupying such contiguous lands in consideration of loss of occupation of land. The occupation of lands on either side of such line or fence shall not be deemed adverse possession, and shall not affect the title to or possession of any such lands save for the purposes of this Law.

21. The occupier of any land may, in making a ditch-and-bank fence dividing his land from the land thereto adjoining, make a ditch in such adjoining land (Crown Lands inclusive) and use the soil taken therefrom towards the making of a bank, or he may make the ditch on his own land, and place the bank on such adjoining land; but no ditch or bank shall be made upon any such adjoining land in any case where a hedge of roses, Mauritius thorn, or other live hedge may have been planted and kept in good thriving condition thereon so as to disturb or injure such hedge, without the consent of the occupier of such land first obtained. Where a dividing fence is made of posts and rails, or wire, or of stone, the posts or stones of such fence shall, as near as may be, be placed on the boundary line.

22. If the occupier of any land bounded by a road shall have erected a fence on the common boundary of his land and such road, and any other person shall adopt any means by which such fence shall be rendered of beneficial use to himself, and shall avail himself of such fence, such person shall be liable to pay to the person who erected such fence, or to the occupier of the land whereon such fence is erected, interest on half the then value of such fence at the rate of five per centum per annum for so long as he shall continue to avail himself of such fence, and shall also, as long as aforesaid, be further liable for half the cost of the repairs of such fence.

23. No person shall plant any roses, or any Mauritius thorn, upon or alongside any boundary line or dividing fence without the consent of the occupiers of the adjoining lands; and every person who shall contravene this section shall be liable, for every such offence, to a penalty not exceeding Twenty pounds, and the occupier of the adjoining land as aforesaid shall be entitled to take up and

Fences.

destroy such roses or Mauritius thorn, and to recover in any Court of competent jurisdiction the cost of such work from the person who shall have so contravened the provisions of this section.

Such fence may be destroyed, and cost of work charged.

24. If the occupier of any land bounded by a road desire to plant a live fence on the common boundary of his land and such road ; and for that purpose to construct a fence upon such road until such live fence shall have grown up, he may at any time, with the consent of the Government, on conditions to be prescribed by it, proceed to construct a fence on such road so that no part of such fence be more than five feet distant from the nearest point on the boundary of his land ; and if such occupier forthwith after the construction of such fence proceed to plant a live fence on the boundary of his land and such road, constantly with all proper diligence keeping, maintaining, and protecting from injury such live fence, he may maintain on such road the fence so constructed for such time not exceeding six years, or such longer time as the Government may in writing allow, until such live fence becomes a sufficient fence within the meaning of this Law.

Occupier wishing to fence along a road may, with consent of Government, erect a temporary fence upon the road.

25. When any dividing fence or part thereof made or to be made shall be out of repair or become insufficient, the occupiers of land on either side thereof shall be liable to the cost of repairing such fence in equal proportions.

Repairs of dividing fences.

26. The occupier of any land separated from any adjoining land by a dividing fence may serve a notice upon the occupier of such adjoining land, requiring him to assist in repairing such fence or part thereof ; and if such occupier shall refuse or neglect for the space of one week after the service of such notice to assist in repairing such fence, such first-mentioned occupier may repair such fence, and demand and recover of and from such other occupier half the cost of repairing the same.

Notice may be given.

If disregarded, the giver may repair and recover half cost.

27. If any dividing fence or any portion thereof is destroyed by accident, the occupier of land on either side may immediately repair the same without any notice, and shall be entitled to recover half the expense of so doing from the occupier of the adjoining land.

Repairs after accidents.

28. In case any dividing fence is destroyed by fire, or by the falling of any tree or trees, or damaged by any cattle, the occupier through whose neglect (if any) such fire shall have originated or have caused injury to the fence, or such tree or trees shall have fallen, or by whose stock such fence shall have been damaged, shall be the party bound to repair the entire of the fence so damaged as aforesaid.

Liability in case of accident, or damage resulting from neglect.

29. Nothing herein contained shall be deemed to take away or interfere with the right of any person to sue for and recover compensation for or in respect of any damage or injury to any fence occasioned by the reckless or negligent use of fire.

Damage by careless use of fire.

30. In any case where a person shall elect or be liable to pay interest on the half cost of a dividing fence, the person entitled to such interest shall have the same remedy for the recovery thereof as he would have for the recovery of the half-cost of such fence.

Half the interest paid on the cost of a fence recoverable in same way as the cost.

Fences.

Recovery of half cost from owner or occupier of alienated Crown Lands.

31. The owner of land who shall have made, or who shall hereafter make, a fence dividing such land from adjoining unalienated land of the Crown, may demand and recover from the owner or occupier of such Crown Land when alienated, within a period of six months after such alienation, half the then value of the said dividing fence.

Recovery of monies under this Law.

32. All moneys recoverable under this Law in respect of the construction or repairing of any fence by any person serving any notice to fence or repair, or under any *ex parte* order or award, may be recoverable from any person liable to contribute to the cost of constructing or repairing such fence who is served with notice to fence or repair, or with such *ex parte* order or award, or from any person who may come in and defend under the provisions of this Law any proceedings consequent on such notice, or the service of such order or award. And all such moneys recoverable under this Law by any person served with any notice to fence or repair, may be recovered from the person serving the same, or from any person liable to contribute to the construction or repair of such fence.

Proceedings in Court.

33. Any proceedings before any Resident Magistrate upon or in respect of any of the matters in the last preceding section, or of any combination or modification thereof, shall and may be taken and conducted, and any order may be enforced and acted upon, in like manner as the proceedings and orders of such Courts are taken, conducted, and enforced by such Court under the Rules and Laws for the time being in force in the Colony relating to such Courts.

Special jurisdiction granted to Magistrates.

34. Any Resident Magistrate may hear and determine all matters or questions arising between owners or occupiers of property liable to the provisions of this Law, notwithstanding that the decision of any such matter or question shall be beyond the ordinary jurisdiction of such Resident Magistrate, in so far as relates to—

- (a) Hearing and taking evidence, and making any order as to the erection or repair or removal of dividing fences if not erected on the proper boundary between adjoining lands :
- (b) Deciding upon the description or kind of fence to be erected or maintained, or that in the opinion of the Court ought to be erected or maintained, in accordance with this Law :
- (c) Determining the date, time, and manner in which such fence should be erected, and by whom it should be erected or repaired :
- (d) Determining the expense of erecting or repairing any such fence, and the proportion of such expense to be borne and paid by any person :
- (e) Awarding that the costs incident to such hearing and determination shall be borne by the party against whom the decision shall be given, or shall be divided between the parties.

Fences.

35. Nothing in this Law contained shall be deemed or taken to effect any covenant, contract, or agreement made or hereafter to be made relative to fencing between landlord and tenant, or between occupiers of adjoining land or between any other persons whomsoever.

Certain agreements with-
drawn from the
operation of this
Law.

36. Any person constructing or repairing a fence under this Law, his agent and servants may, if there be no available access thereto over their own land, with or without horses, cattle, wagons, carts, or carriages, at all reasonable times during such construction or repairing, enter upon any portion of the contiguous land and do thereon such acts, matters, and things as are necessary or reasonably required to carry into effect the construction or repairing of such fence: Provided always that nothing herein contained shall authorise the entry, for the purpose aforesaid, upon any land in crop or upon any garden, orchard, plantation, shrubbery, or pleasure ground without the consent of the owner thereof, or shall authorise any person to cut down, lop, or injure any fruit, exotic, or other tree or shrub without the special sanction of the aforesaid owner, save as is otherwise provided for in this Law.

Entry upon land
for purposes of
fencing.

Reservations.

37. Every owner or occupier of any land who shall incur or suffer any loss or damage by any act or thing done by any person wilfully acting contrary to the provisions of the last foregoing section shall be entitled to compensation for the same.

Compensation
for damage by
contravening
last section.

38. Upon the application of any person claiming such compensation as aforesaid, any Resident Magistrate may summon the person complained of to appear before him, at a time and place to be named in the summons, and upon the appearance of the parties, or in the absence of either of them upon proof of the service of the summons, the said Resident Magistrate shall hear the question and determine the amount of compensation, if any, and for that purpose may examine the said parties or either of them and their witnesses upon oath; and the costs of every such enquiry shall be at the discretion of the said Resident Magistrate, and he shall settle the amount thereof. Every sum awarded by way of compensation or of costs shall be recoverable in the usual manner.

Procedure for
recovery of
damage.

39. All moneys due to any person for erecting a dividing fence under the provisions of this Law shall be, and are hereby declared to be, a first charge on the land in respect of which the same shall be payable, and all such moneys shall be a first charge and shall take priority of all charges and incumbrances whatsoever and whensoever made upon and over the immovable property in respect of which such moneys are payable.

Moneys due
under this Law
a first charge on
the Land.

40. Any person may come in and defend any proceeding under this Law against any tenant of such person in consequence of which such person may ultimately incur any liability, and any defence which the person originally proceeded against might set up shall be available to the person so coming in to defend.

Intervention in
suits.

41. This Law shall not apply to any unalienated Crown Lands or to any Native Locations, nor shall the Crown, the Governor, nor the Natal Native Trust, nor the administration, management, or control of the Crown Lands be liable under the authority of this

This Law not to
apply to Crown
Lands or Native
Locations.

Fences.

Exemption of
Municipal Corporations.

Law to make any contribution towards the construction or repairing of any dividing fence between the land of any occupier and any Crown Lands or Native Location. Municipal Corporations shall not be liable to contribute to the cost of any dividing fence which may be erected within the boundaries of the Corporation Lands.

Selectors of
land on deferred
payment.

42. The provisions of this Law shall apply to all persons being selectors of land on deferred payments, as if such persons held the land so selected under grants, and the said persons shall be liable in respect of the fencing of such land in the same manner as owners of lands under grants from the Crown.

Provision in
case of inability
or unwillingness
to pay.
Altered by Law
27, 1888.

43. If any person shall be called upon under this Law to join in or contribute to the construction of any dividing fence, and such person shall be unable or unwilling, sooner or otherwise, to pay the amount or any part thereof, which he shall be or become liable to pay, and shall, within one month after the amount which he is liable to pay shall be fixed, give notice to the person calling upon him to join or contribute as aforesaid, that he desires to pay such amount by instalments as hereafter mentioned, the amount payable by such person, or such part thereof as he shall not be willing to pay sooner or otherwise as aforesaid, together with the interest thereon, at the rate of five per centum per annum, shall be paid by such person by equal yearly instalments, such instalments to be so calculated and fixed that the said capital sum and interest shall be paid off in a period of fifteen years from the date when he shall have given such notice as aforesaid, as more particularly shown in Schedule C hereto : Provided that, notwithstanding such notice, and the payment of any instalment as aforesaid, it shall be lawful for such person at any time during the said fifteen years, to pay the value at that time of the unpaid instalments in one sum, as shown in Schedule D :

Public Roads.

44. No person shall be allowed to erect any fence over any public or main road : Provided, however, that nothing herein contained shall prevent any owner or occupier from availing himself of the powers of fencing in manner and form as provided for in Clause 17 of Law No. 17, 1888.

See Law 17,
1888, Sec. 17.
Vide Law 24,
1888.

Outspan.

45. Nothing in this Law contained shall in any way interfere with, abrogate, or diminish the servitude of outspan imposed by Law of reservation or otherwise upon grants of lands in Natal.

Certain persons
not included
under the term
"occupier."

46. The word occupier shall not include tenants occupying under a grazing or agricultural lease directly from the Crown, nor tenants holding from year to year, nor Native tenants.

Respective liabilities of owner
and tenant
under written
lease.

47. In every case where the occupier is tenant under a written lease the owner shall be primarily liable for a moiety of the cost of the construction of a fence under the provisions and in terms of this Law, and the tenant shall be liable during every year he may occupy his farm under the said lease to pay the said owner a fourth part of the annual instalment payable in respect of the construction of any such fence.

Fences.

SCHEDULE A.

Description of Sufficient Fence.

1. A substantial wire fence, having not less than six wires tightly stretched, with posts of durable wood or iron, well and substantially erected, the posts or standards to be not more than ten feet apart, top wire not to be less than three feet nine inches from the surface of the ground; and the wires not to be lighter than No. 8 in iron or No. 10 in steel. The space between each of the two bottom wires, or the bottom wire and the ground, not to exceed six inches. Schedules.
2. A substantial wire fence, having not less than six wires, tightly stretched, with posts of durable wood or iron, well and substantially erected, the posts or standards not to be more than sixty feet apart, top wire not to be less than three feet nine inches from the ground, with two or more barbed wires and four plain wires, not to be lighter than No. 10 in steel or No. 8 in iron, and with lacings of wire (not lighter than No. 12), such lacings not to be more than six feet apart.
3. A stone wall not less than three feet six inches in height, exclusive of the coping, and not less than two feet six inches in width at base.
4. A bank or wall of substantial materials, at the least four feet six inches in height, of which the slope is not more than one foot from the perpendicular.
5. A close and sufficient live fence, at least four feet in height, proof against cattle; such fence to be kept properly trimmed.
6. A combination of the above kind of fences, at least four feet in height.
7. Any other description of fence mutually agreed upon by the persons interested.
8. A fence made in any other way equal in efficiency to any of the above-mentioned fences.

SCHEDULE B.
Notice to make Fence.

To _____, occupier [or owner, or lessee, or agent,
as the case may be] of _____ [describing adjoining
land]

Take notice, that I desire that a boundary or dividing fence between [describing the lands] be made immediately (on or before the _____ day of _____, 18 ____), and that such fence shall be a [describe the fence].

Dated the _____ day of _____, 18 ____.

A.B.,
Occupier [or owner, or lessee, or agent] of, &c.

Fences.—Quit-rents, &c.

SCHEDULE C.

* * * * *

Repealed by Law 23, 1889.

SCHEDULE D.

* * * * *

Repealed by Law 23, 1889.

Given at Government House, Natal, this 14th day of
March, 1887.

By command of His Excellency the Governor,

(Signed) H. C. SHEPSTONE,
Acting Colonial Secretary.

LAW No. 31, 1887.

(Signed) A. E. HAVELOCK.

*For providing a Sum not exceeding £758,564 8s. 3d. for the Public
Service of the Colony during the Year 1887.*

LAW No. 32, 1887.

(Signed) A. E. HAVELOCK.

*To provide till the expiration of the year 1888 for the Management
and Working of the Natal Government Railways.*

Expired on 31st December, 1888. *Vide* Law 7, 1888.

LAW No. 33, 1887.

(Signed) A. E. HAVELOCK.

*To repeal, and re-enact, with certain amendments, the Law No. 12,
1869, entitled "Law to facilitate the recovery of Quit Rents and
other Land Rents and Fines for Non-occupation."*

Preamble.

WHEREAS it is expedient to repeal and re-enact, with certain amendments, the Law No. 12, 1869 :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Repeal of Law
No. 12, 1869.

1. The Law No. 12 of 1869, entitled "Law to facilitate the recovery of Quit Rents and other Land Rents and Fines for Non-

Quit-rents, &c.

occupation," shall be and the same is hereby repealed; but such repeal shall be without prejudice to anything lawfully done under the said Law, or the past operation thereof, or any suit or proceedings instituted under the provisions thereof, before the date of the coming into operation of this Law.

2. The Surveyor-General, or other the officer for the time being authorised or empowered to sue for, and on account of, the Crown or the Colonial Government for the recovery of any quit-rent, land-rent, or non-occupation fine, may sue therefor, in the form commonly known as a provisional summons, and shall be entitled to claim provisional sentence thereon.

Surveyor-General authorised to sue on behalf of Government.

Form of action.

3. In any such provisional summons, it shall not be necessary to produce or to serve upon, or exhibit to the defendant, the original or copy of the deed, grant, or lease whereon the provisional claim is founded; but there shall be endorsed on, or annexed to, such summons a notice in the form contained in Schedule A, or as near thereto as may be.

Notice as in Schedule A to be attached to the summons.

4. In order to support any claim for provisional sentence for any non-occupation fine or rent due or alleged to be due to the Crown or the Colonial Government, the production of a notice (in the form contained in Schedule B, or as near thereto as circumstances admit), together with an affidavit or certificate of service thereof, upon the party named in such notice, or (in the event of such party being absent from the Colony) proof of publication thereof in the *Government Gazette*; and also certificate by the proper officer that such notice has not been complied with, shall be, and the same are hereby, declared to be sufficient *prima facie* evidence that the condition of occupation during the period specified in the notice of the farm or land referred to therein has not been fulfilled, and shall entitle the plaintiff to claim provisional sentence for the fine or rent thereby incurred.

Documents and proofs by which provisional claim may be supported.

5. The lands in respect of which such rent has accrued, and for payment of which rent, judgment has been obtained, shall, in default of other satisfaction of the judgment, be put up for sale at the upset price of a sum equal in amount to the arrears of Quit Rent or non-occupation tax due in respect of such lands, and the costs incurred in suing for the same, and the land shall be sold to the highest bidder.

In default of other satisfaction of judgment the land shall be sold at upset price of the debt and costs.

6. If, at the time and place appointed for the sale, no person shall offer to purchase any such lands offered for sale at any price or sum equal to or higher than the upset price at which the same shall have been put up, it shall be lawful for the Supreme Court, after receiving the report of the Master of such Court to that effect, and upon application by the Government, to adjudicate such lands to Her Majesty the Queen, as and by way of forfeiture and resumption by reason of the non-performance of the conditions of the grant of such lands; and such lands shall thereupon be vested in Her Majesty the Queen, Her Heirs and Successors absolutely, discharged from all and all manner of other estates, charges or incumbrances whatsoever, and to be held, used, and disposed of, in such and the same manner as any other Crown Lands in the Colony.

If no sale effected, Supreme Court may adjudicate the lands to Her Majesty.

Such lands to be thenceforth as other Crown Lands.

Commencement of Law.

Schedules.

To the within named A.B., Defendant.

Dated at Pietermaritzburg, this day 18 .

SCHEDULE B.

Take notice, in terms of the conditions of grant of above-named farm, now standing registered in your name, that you are hereby required to give to me, on or before the full and satisfactory proof, on oath, of yourself or some other credible person of the *bond fide* occupation during at least six months of the year 18 , of said farm or piece of land known as in pursuance of the provision, or in conformity with the condition in the original deed of grant thereof. And take further notice that, failing your compliance with this requirement, the fine or additional rent for non-occupation imposed by said deed will, at the expiry of this notice, be held to have accrued due and payable by reason of such default of proof.

Dated at this day 18 .

Resident Magistrate.
(or Surveyor-General, as the case may be.)

(ENDORSEMENTS ON RETURN COPY.)

I, _____ do make oath, and say that on the _____ day of _____ I served notice whereof the above is a true copy, upon the above-named _____ by (handing the same to him personally at _____ or by leaving the same at his _____ residence, with _____ as the case may be) who replied that _____

Quit-rents, &c.—Interment of Servants.

Sworn before me, at this day 18 .
 I, Resident Magistrate of the County
 of do certify that the within-named
 has not given proof of the occupation of his farm
 as required by the within notice.

Resident Magistrate.

18 .

Given at Government House, Natal, this 27th day of
 June, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
 Colonial Secretary.

LAW No. 34, 1887.

(Signed) A. E. HAVELOCK.

*To provide for the due interment of servants dying whilst in service,
 within the limits of any Borough constituted under the Law No.
 19, 1872.*

WHEREAS it is expedient that the obligation of duly interring Preamble.
 servants dying within any Borough should be imposed upon their
 masters in the first instance :

Be it therefore enacted, by the Governor of Natal, with the advice
 and consent of the Legislative Council thereof, as follows :

1. In the event of the decease, within the limits of any corporate
 borough constituted under the provisions of Law No. 19 of 1872,
 of any person being a servant within the meaning of Law No. 2,
 1850, during the continuance of such servant's contract of service,
 and whose body may not be claimed within reasonable time by his
 relatives or friends, the master of such deceased servant shall cause
 the body to be decently and properly interred in some place within
 such borough which shall have been duly set apart as a place of
 burial under any regulations duly made in that behalf in such
 borough.

*Any servant
 dying whilst in
 service, in any
 borough, shall
 be buried by the
 master in some
 proper place in
 the borough,
 unless the body
 be claimed by
 relatives or
 friends.*

2. The cost of such interment as aforesaid shall in the first
 instance be borne by the master of the deceased servant: Provided,
 however, that if the deceased should have died possessed of any
 estate, or entitled to any wages, the necessary cost of such interment
 shall be a charge by the master against any wages so due, and
 against the estate of such servant, ranking in the usual order of
 preference accorded to burials: And provided further that if there
 shall be any parents or natural guardians of such deceased servant,
 the necessary cost of interment shall be recoverable by the master
 from such parents or natural guardians.

*Cost of inter-
 ment to be borne
 by the master,
 but recoverable
 from any estate
 of or wages due
 to deceased,
 from parents or
 natural guar-
 dians, if any.*

Interment of Servants.—Postal Conveyance.

Commencement
of Law.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 18th day of July, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 35, 1887.

(Signed) A. E. HAVELOCK.

To amend the 37th Section of the Law No. 22, 1884, entitled "Law to repeal the existing Laws relating to Postal Conveyance, and to make other and better provisions, for, and to regulate the conveyance and postage of letters, post cards, packets, parcels, and newspapers."

Preamble.

WHEREAS it is expedient to give greater facilities to vessels arriving at the Port of Natal to report to the Collector of Customs, and for that purpose to amend the 37th Section of the Law No. 22, 1884 :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

37th Clause of
Law 22, 1884,
amended by
expunging cer-
tain words
therefrom.

1. The 37th Clause of the Law No. 22, 1884, entitled Law "To repeal the existing laws relating to Postal Conveyance, and to make other and better provisions for, and to regulate the conveyance and postage of letters, post cards, packets, parcels and newspapers," shall be and the same is hereby amended by expunging therefrom the following words occurring therein : "And until such certificate shall have been delivered to the proper officer of Customs at such port he shall not permit such vessel to report."

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 18th day of July, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

Fencing.—Gaols.

LAW No. 36, 1887.

(Signed) A. E. HAVELOCK.

To amend the Fencing Law, 1887.

WHEREAS it is expedient to amend the provisions of Section 18 of the Law No. 30, 1887, entitled Law "To regulate the Erection and Maintenance of Dividing Fences :"
Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. In reading and construing Section 18 of "The Fencing Law, 1887," the words *Six Shillings* shall be substituted for the words "Twelve Shillings," now printed therein, and the said Section 18 shall be and the same is amended accordingly.
Section 18 of the Fencing Law, 1887, amended.

Given at Durban, Natal, this 31st day of August, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
 Colonial Secretary.

LAW No. 37, 1887.

(Signed) A. E. HAVELOCK.

For making Further Provision for the Service of the Year 1887.

LAW No. 38, 1887.

(Signed) A. E. HAVELOCK.

For providing a Sum not exceeding £801,119 18s. for the Public Service of the Colony during the Year 1888.

LAW No. 39, 1887.

(Signed) A. E. HAVELOCK.

To consolidate and amend the Laws relating to Gaols in the Colony of Natal.
Vide Law 6, 1889.

WHEREAS it is expedient to consolidate and amend the Laws relating to Gaols, Prisons, and other places of confinement in the Colony of Natal;
Preamble.

Goals.

Be it therefore enacted by the Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Repeal of former Laws.

1. Laws No. 14, of 1862 ; 6 of 1870 ; 3 of 1876 ; 8 of 1876 ; 1 of 1880 ; 16 of 1882, and 18 of 1884 are hereby repealed from and after the commencement of this Law : provided that the repeal enacted by this Section shall not affect—

- (1) Anything done or suffered, or any right, obligation, or liberty acquired or incurred under any Laws hereby repealed.
- (2) Any penalty, forfeiture, or punishment incurred in respect of any Law hereby repealed.
- (3) Any investigation, legal proceeding, or remedy in respect of any such right, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding, or remedy may be carried on as if this Law had not been passed, or
- (4) The execution after the commencement of this Law of any of the Laws repealed by this section so far as necessary to give effect to this Law.

What persons are included in the terms "Keeper of the Gaol," and "Gaoler."

2. Wherever in this Law, or in the Rules and Regulations made thereunder, the terms "Keeper of the Gaol," or "Gaoler," are used, these terms shall be deemed and construed to mean, in the case of the Gaols of Pietermaritzburg and Durban respectively, the term "Superintendent of the Goal," and, in the case of all other gaols, prisons, or other places of confinement, the term "Keeper of the Prison," and such term shall be the respective designations of the principal officer in charge of the said respective gaols and prisons.

Governor in Council may make Rules and Regulations for maintenance of order and discipline among prisoners.

3. The Governor in Council may from time to time make, and when made, repeal, alter, or add to such Rules and Regulations as may be necessary for the maintenance of good order and discipline among the persons confined as prisoners in any gaol, prison, or other place of confinement within this Colony ; and by such Rules and Regulations may impose any punishment by solitary confinement not exceeding ten days, or by whipping not exceeding 25 lashes for any infringement thereof : Provided that no person imprisoned in any such gaol, prison, or other place of confinement under any civil process, and no female, and no child under twelve years of age, shall be liable to the infliction of any punishment by way of whipping.

Governor in Council may make rules defining duties of gaol officers, and relating to the custody and treatment of prisoners, and certain other matters.

4. The Governor in Council may from time to time, make, and, when made, repeal, alter, or add to rules defining the duties of all the officers attached to such gaol, prison, or other place of confinement ; and regulations relating to the classification, treatment, religious instruction, and safe custody of the prisoners ; the mode of communicating by and with prisoners ; the mode in which prisoners may be visited ; the rations to be allowed to prisoners ; the collection

Gaols.

and conversion of all property within the gaol, prison, or other place of confinement belonging to persons dying in such gaol, prison, or other place of confinement; the dress to be worn by and the cleanliness of the prisoners; the care and maintenance of paupers or destitute persons placed in any gaol, prison, or place of confinement; and generally all such other rules and regulations as may be necessary for the maintenance of good order and discipline in any such gaol, prison, or other place of confinement.

5. The Governor in Council may from time to time make, and when made, repeal, alter, and add to such rules and regulations as may be necessary for defining the duties of all the officers attached to any public gaol, prison, or other place of confinement within the Colony, as well as the duties of warders, guards, or other persons whatsoever in charge of any convict gang, prisoner or prisoners whatsoever employed outside the gaol, prison, or other place of confinement, or going to or returning from any such employment; and to fix a fine not exceeding Five Pounds, or any term of imprisonment not exceeding one month, with or without hard labour, for any contravention of any such rules and regulations.

Rules defining duties of officers, warders, guards, and others in charge of prisoners working without the gaol.

6. The Governor in Council may from time to time make, and when made, repeal, alter, or add to the same rules and regulations applicable to all, or to one or more, of the gaols, prisons, or other places of confinement within the Colony, and may apply other regulations to one or more of such gaols, prisons or other places of confinement, or different regulations applicable to each gaol, prison, or other places of confinement respectively in the Colony: Provided that no such regulation shall be inconsistent with the provisions of this Law.

Governor in Council may make rules applicable to all or to particular gaols.

7. The Governor in Council may also, in any such rules and regulations, determine the amount payable for the maintenance of any person imprisoned in any gaol, prison, or other place of confinement under any civil process for debt at the suit of a private person.

Rules may determine charges for maintenance of persons undergoing civil imprisonment.

8. This Law shall not apply to any Borough or Township Gaol established under any Law now or hereafter in force in this Colony, save and except as by such Law may be provided.

Borough or Township Gaols excluded from operation of this Law, except as otherwise provided.

9. The Rules and Regulations issued under Proclamations, dated 6th February, 1881; 10th December, 1881; 4th June, 1883; 27th March, 1884, and 27th November, 1884, and made under the Laws repealed by Section 1 of this Law, shall continue to be in force until revoked, altered, or amended under this Law, and, save and so far as they are not in conflict with any of the provisions of this Law, or amended under this Law, shall be deemed to be Rules and Regulations under this Law: Provided that the duties to be performed, and regulations to be observed, by and in respect of the "Gaol Board," or any member or members thereof, as therein or elsewhere set forth, shall, *mutatis mutandis*, be deemed to be duties devolving upon and regulations applying to the Gaol Board or any member of

Certain existing rules to remain in force until revoked or altered.

Gaols.

members thereof or any Inspector of Prisons when appointed under this Law.

Commencement of operation of rules made under this Law.

10. All Rules and Regulations made under this Law, and all repeals or alterations of, or additions to, such Rules and Regulations shall come into operation from the date of their publication in the *Natal Government Gazette*.

Signed and sealed copies of rules to be transmitted to Registrar of Supreme Court.

11. Copies of all such alterations, amendments, or new Rules and Regulations signed by His Excellency the Governor, and authenticated under the Public Seal of the Colony, shall from time to time be transmitted to the Registrar of the Supreme Court of the Colony of Natal.

Copies promulgated in the *Government Gazette* receivable in evidence.

12. Copies of all such Rules and Regulations promulgated in the *Natal Government Gazette* shall be received in evidence.

Appointment and duties of officers to inspect gaols.

13. Subject to the necessary money vote or votes by the Legislative Council, the Governor may appoint such officer or officers as may from time to time appear to be needed, and who shall visit and inspect all gaols, prisons, and other places of confinement within the Division or Divisions over which they are appointed, and who shall examine into the state of the buildings, so as to form a judgment as to repairs required, and shall also have authority to examine any person holding any office, receiving any salary or emolument, or employed in any gaol, prison, or other place of confinement; and to call for and inspect all books and papers relating thereto, and to enquire into all matters touching such gaol, prison, or other place of confinement; and any person so appointed shall once a quarter make a separate and distinct report in writing to His Excellency the Governor of the state of every gaol, prison, or other place of confinement, visited by him.

Pending appointment of such officers, Governor may appoint Gaol Boards, and dissolve the same.

14. The Governor may, pending the appointment of such officer or officers, from time to time appoint a Gaol Board in every Division or County, to consist of such civil officers and other residents as he may deem expedient, and may, as he sees fit, from time to time dissolve any such Board or Boards by notification in the *Government Gazette*. The Gaol Board shall have and exercise all the powers conferred on an Inspector of Prisons in the Division or County for which they may be appointed.

Penalty for obstructing an Inspector or member of Gaol Board in execution of his powers.

15. Any person who shall knowingly and wilfully obstruct any member of such Gaol Board or any Inspector of Prisons who may be appointed under the provisions of this Law in the execution of any of the powers entrusted to him by this Law, shall on conviction before the Resident Magistrate of the Division or District in which the alleged offence has been committed, forfeit and pay for each and every such offence any sum not exceeding Twenty Pounds, and, in default of payment of any penalty so adjudged immediately or within such time as the said Magistrate shall appoint, shall be committed to prison for any period not exceeding one calendar month or until the penalty be paid.

Gaols.

16. The Resident Magistrate of the Division in which the alleged offence is committed may, on any complaint made to him against any person for any such offence, issue his summons for the appearance of such person.

Resident Magistrate may issue summons for appearance of person charged with such offence.

17. When any prisoner has been or shall be sentenced to hard labour, such hard labour shall be of two classes : first, of work at the treadmill, shot-drill, crank, capstan, stone-breaking, or such other description of hard bodily labour as may be appointed by the Governor with the advice of the Executive Council, which work shall be deemed hard labour of the first class ; secondly, of such other description of bodily labour as may be appointed by the Governor with the advice of the Executive Council, which work shall be deemed hard labour of the second class : Provided that the Governor, with the advice as aforesaid, may direct that employment in the necessary services of the gaol, prison, or other place of confinement may, in the case of a limited number of prisoners to be selected by the Resident Magistrate as a reward for industry and good behaviour, be deemed to be hard labour of the second class.

Classification of hard labour.

18. The words "work at the treadmill," "shot drill," "crank," "capstan," "stone-breaking," or such description of hard labour as may be appointed by the Governor with the advice of the Executive Council, which work shall be deemed hard labour as set forth in the preceding section, shall be taken to mean and include any description or class of labour which the Governor in Council may deem expedient to define by any rule or regulation : Provided that the description or class of labour so substituted shall not exceed in severity "work at the treadmill," "shot drill," "crank," "capstan," or "stone-breaking" above mentioned.

Meaning of terms.

19. Criminal prisoners before trial may, if they desire it, wear a prison dress, and they shall be required to do so if their own clothes are insufficient or unfit for use, or necessary to be produced for the purposes of justice. The prison dress of prisoners before trial shall be of a different colour from that of convicted prisoners.

Clothing of prisoners before trial.

20. Every person who shall aid any prisoner in escaping or attempting to escape from any gaol, prison, or other place of confinement, or from the custody of any constable, gaoler, guard, or other officer in whose custody such prisoner may be when employed outside the gaol, prison, or other place of confinement, or when going to or returning from any such place of employment, or who, with intent to facilitate the escape of any prisoner, shall convey, or cause to be conveyed into any gaol, prison, or other place of confinement, or who shall secrete or leave upon, or about any road, public work, or other place where any such prisoner is usually employed or confined, for the purpose of being found or received by any such prisoner, any mask, dress, or other disguise, or any letter, or any other article or thing in contravention of this Law, shall be guilty of a crime, and, on conviction, be sentenced to imprisonment with hard labour for a term not exceeding two years.

Penalty for aiding a prisoner to escape, or improperly communicating with prisoners, or interfering with convict gangs, or introducing certain articles into gaols, &c.

Gaols.

21. Any person who holds or attempts to hold any communication with any prisoner under escort going to or returning from any employment outside the gaol, prison, or other place of confinement, or who shall wilfully ride, drive, or lead any animal or vehicle of any kind through a convict gang under escort going to or returning from any such employment as aforesaid, or in any manner wilfully interfere with any such prisoner or convict gang as aforesaid, shall be liable on conviction to a penalty not exceeding Five Pounds, or to a term of imprisonment, with or without hard labour, not exceeding one month, or to both, in the discretion of the Court.

22. Every person who holds or attempts to hold any communication with any prisoner employed on work outside of the gaol, prison, or other place of confinement, or who, contrary to the regulations thereof, shall bring or attempt, by any means whatever, to introduce into any such gaol, prison, or other place of confinement, or, in any manner whatsoever, shall endeavour or attempt to deliver, or cause to be delivered, to any prisoner when and wherever employed without the precincts of the gaol, prison, or other place of confinement, or when going to, or returning from, any such places of employment, any description of spirituous or fermented liquor or tobacco, and every officer of any gaol, prison, or other place of confinement who shall suffer any description of spirituous or fermented liquor or tobacco to be sold or used in any gaol, prison, or other place of confinement, contrary to the prison regulations, on conviction shall be sentenced to imprisonment for a term not exceeding three months, or to a penalty not exceeding Ten Pounds, or both in the discretion of the Court; and every officer of any gaol, prison, or other place of confinement convicted under this Section shall, in addition to any other punishment, forfeit his office and all arrears of salary due to him.

23. Every person who shall convey or attempt to convey any letter or other document or any article whatever not allowed by prison regulations into or out of any gaol, prison, or other place of confinement, or who, in any other manner, shall convey or cause to be conveyed to any prisoner when employed beyond the precincts of such gaol, prison, or other place of confinement, or when going to or returning from any such place of employment, any letter or other document or any article whatever not allowed by Prison Regulations, shall, on conviction, incur a penalty not exceeding Ten Pounds, or of imprisonment not exceeding two months; or, if an officer of any gaol, prison, or other place of confinement, shall, in addition to any other punishment, forfeit his office and all arrears of salary due to him.

24. It shall and may be lawful for any Resident Magistrate and in his absence the Superintendent or Keeper of the Gaol, subject to the subsequent confirmation of the Resident Magistrate, as a measure of precaution to prevent escape, or to restrain from violence, to cause any convicted criminal prisoner who may be confined in any gaol, prison, or other place of confinement under his jurisdiction, to be placed in irons for such period as he may deem necessary: Pro-

Placing a convicted prisoner in irons.

Gaols.—Customs.

vided that every such case be reported to the Colonial Secretary, and that no prisoner be kept in irons for a longer period than thirty days without the special sanction of the Colonial Secretary: and provided further that it shall and may be lawful for any Resident Magistrate, or in his absence the Superintendent or Keeper of the Gaol, subject to the subsequent confirmation of the Resident Magistrate, in case any convicted criminal prisoner undergoing a sentence of imprisonment shall have at any time during the period of his sentence escaped or attempted to escape from custody, to cause such prisoner to be placed and kept in irons; provided that the irons placed on such prisoners shall be of a pattern approved by the Colonial Secretary.

25. All contraventions of the provisions of this Law or the rules and regulations thereunder shall, except in such cases where provision is otherwise specially made, be triable in the Court of the Resident Magistrate of the Division or District in which such offence has been committed.

26. This Law may be cited as the "Gaol Law of 1887."

27. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Given at Durban, Natal, this 31st day of August, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 40, 1887.

(Signed) A. E. HAVELOCK.

To repeal the duty leviable under the "Customs Duties and Transit Dues Law, 1886," upon tobacco imported from certain inland States of South Africa.

WHEREAS it is expedient to repeal the duty leviable under the "Customs Duties and Transit Dues Law, 1886," upon tobacco, the produce of the interior States of South Africa, imported over the borders of this Colony:

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. From and after the commencement of this Law no Customs Duty, or Registration, or other charge shall be leviable under the provisions of the "Customs Duties and Transit Dues Law, 1886," or any other Law, upon any tobacco imported into this Colony over the borders thereof, being the produce of any of the following

No customs duty or registration, or other charges leviable upon tobacco imported over the borders from certain countries

Customs Duties.—Explosives.

countries, that is to say :—The Orange Free State, the South African Republic, the New Republic, and any part of Zululand.

Commencement
of Law.

2. This Law shall commence and take effect from the date of the publication thereof in the *Natal Government Gazette*.

Given at Durban, Natal, this 31st day of August, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 41, 1887.

(Signed) A. E. HAVELOCK.

To amend Law No. 7 of 1877, entitled "Law to regulate the Importation, Landing, Storage, and Carrying of Dynamite and other Explosive Substances."

Preamble.

WHEREAS it is expedient to amend Law No. 7 of 1877, entitled "Law to regulate the Importation, Storage, and Carrying of Dynamite and other Explosive Substances" :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Section 8, par. a
of Law 7, 1877,
amended.

1. Section 8, paragraph a, of the said Explosive Substances Law No. 7 of 1877, is hereby amended by the addition of the following words :—" Provided that the Controller of Arms is empowered to grant permission, by writing under his hand, for any fit and proper person to keep as above an amount not exceeding Two Hundred Pounds," and the said section shall now be read as if the proviso hereby made had been inserted in the said paragraph.

This Law to be
read as one with
Laws 7, 1877,
and 15, 1888.

2. This Law shall, so far as consistent with the tenour thereof, be read and construed as one with the Explosive Substances Laws No. 7 of 1877 and No 15 of 1888.

Commencement
of Law.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Durban, Natal, this 31st day of August, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

Firearms.

LAW No. 42, 1887.

(Signed) A. E. HAVELOCK.

To repeal the 16th Section of the Law No. 11, 1862, entitled Law
 "To make better provision relative to the importation, registration, and sale of firearms," and to make other provisions in lieu thereof.

WHEREAS it is expedient to make better provision in respect of firearms brought into this colony by private persons, not being licensed importers, arriving in the Colony by sea : Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The 16th Section of the Law No. 11, 1862, entitled Law "To make better provision relative to the importation, registration, and sale of firearms," shall be and the same is hereby repealed, and in lieu thereof the following clause shall be substituted, that is to say : Any person, not a licensed importer, arriving in this colony by sea, may bring such firearms, being his *bona fide* property, as are usually carried for personal defence or for purposes of sport : Provided that no such firearms as aforesaid shall be permitted to be landed, or, when landed, shall be allowed to leave the Custom House, until the person bringing the same shall have made a declaration before the Collector of Customs, detailing the number of firearms, and stating the purposes for which the same are required ; and the Collector of Customs shall thereupon register the said firearms in the same manner as firearms are required to be registered by a Resident Magistrate in the case of private owners : Provided, further, that the provisions of this clause shall not extend to more than two firearms imported by any one person on arrival.

Repeal of Sec. 16, Law No. 11, 1862.

Persons arriving by sea may bring firearms required for personal defence or sport.

Declaration to be made before Collector of Customs.

Registration.

Not to extend to more than two firearms brought by one person.

2. This Law shall commence and take effect from and after the date of the publication thereof in the *Natal Government Gazette*.

Commencement of Law.

3. This Law shall be read and construed together with Law No. 11, 1862, as one Law.

Given at Durban, Natal, this 31st day of August, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
 Colonial Secretary.

Edictal Citations.

LAW No. 43, 1887.

(Signed) A. E. HAVELOCK.

To amend the practice of Suing persons not in Natal.

Preamble.

WHEREAS it is expedient to amend the practice of suing persons who are not then in Natal :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Process by
edictal citation
abolished, except
in specified cases.

1. The process by edictal citation or any substitute or equivalent therefor or thereto is hereby abolished except in the cases hereinafter specified in that behalf, or wherein such process shall have been duly ordered to issue before this Law shall have come into operation.

Proceeding cases
not to apply to
certain actions.

2. The foregoing section shall not apply to any action or proceeding in any way relating to or connected with any of the following subject matters or persons, that is to say :—

- (a) Land in Natal.
- (b) Any contract, devise, charge, lease, mining claim, or other interest concerning or in connection with land in Natal, or rents, or profits of such land.
- (c) Relief against any person who has then his domicile in Natal, or is ordinarily resident therein : Provided always that in proceedings by a husband for divorce *a vinculo matrimonii* his domicile merely shall not for the purpose of this sub-section be deemed to be the domicile of the wife.
- (d) Relief in respect of the estate in whole or in part of any deceased person who at the time of his death was domiciled or ordinarily resided in Natal.
- (e) Relief against a trustee of any property situated in Natal in respect of such of the trusts as ought to be executed according to the Law of Natal.
- (f) Relief in respect of any alleged breach in Natal of any contract wherever made which, according to the terms thereof, ought to be performed in Natal.
- (g) Relief against any person who is a necessary or proper party to an action brought against some other person duly therein served in Natal.

Relief other
than divorce or
restitution of
rights against
an absent
spouse.

3. Any spouse may apply to the Supreme Court or to any Circuit Court having jurisdiction in respect of any such applicant for any relief other than divorce *a vinculo matrimonii* or restitution of conjugal rights against or in respect of or of property in Natal of the other spouse, who, having while so married been in this Colony, shall then be absent therefrom, or in respect of the custody of any child of either such spouse or of both without notice to such absent spouse. And such Court may upon such application make any such

Edictal Citations.

order as might have been made on notice to such absent spouse if not then so absent and as shall appear to such Court to be proper in the circumstances of the case and upon any terms appearing to the Court requisite or just without prejudice to any appeal from such order as might have been brought if this Law had not been passed : Provided always, that any order made under the authority of this section and not in a contested application shall be expressed to be till further order save so far as the application shall be refused.

Any order made against such absent spouse to be without prejudice to appeal.

And to be expressed to be till further order.

4. Nothing in this Law contained shall be deemed to affect any right of proceeding against any person absent from Natal who, if this Law had not been passed, could have been sued otherwise than by edictal citation or such substitution or equivalent as aforesaid, or to affect any right to apply on motion for an interdict.

This Law not to affect right of proceeding against any person who might, but for this law, have been sued otherwise than by edict.

5. In proceedings by edictal citation, whether under this Law or otherwise any publication of the citation whether made in a *Gazette* or other advertising paper or by posting or in any other manner directed shall be sufficient if the notice or advertisement thereof be in substance in form as is specified in the Schedule hereto, and the action may be proceeded with in like manner as might have been the case if the citation had been in the form usual before the coming into operation of this Law.

Publication of citation in edictal actions.

6. Nothing in this Law shall be deemed to affect any power of the Supreme Court in respect of altering, repealing, or making Rules of Court as to any matter not repugnant to any provision of this Law, or to affect the validity of any rules of Court at present in force so far as not repugnant as last aforesaid.

Rules of Supreme Court not affected, save where repugnant to this Law.

SCHEDULE.

CITATION.

Addressed to

Schedule.

In the Supreme Court (or as the case may be) of the Colony of Natal.

Issued by leave of Court in an action against you, wherein A.B., of is plaintiff.

Notice is hereby given you that the object of this action is to recover from you as due by you to the said plaintiff the sum of £ principal money, with interest thereon at the rate of per cent per annum, from the day of inclusive, and to have the following property in Natal charged by bond of the day of executed by you (or your agent C.D.), and entered with the Registrar of Deeds of Natal, with the said monies, that is to say, the farm in the County of , Natal, sold under judgment in this action (or as the

Edictal Citations.—Native Administration.

case may be, and similarly concisely, as far as is consistent with showing the real object of the action, but not setting out any document *in extenso*). Also the costs of this action are asked against you.

And be it further known to you that you are to cause to be entered with the Registrar of the said Supreme Court, before the day of an address in Natal for service of notice on you, and that in default of your so doing, this action may be proceeded with without further notice to you.

Given under my hand this day of

E. F.,
Registrar, Supreme Court, Natal.

In provisional sentence cases add before the Registrar's signature—Further take notice that provisional judgment in the action will be applied for on, or as soon as practicable after, the said day of , and that thereunder execution in this action may be effected in Natal.

Given at Durban, Natal, this 18th day of September, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 44, 1887.

(Signed) A. E. HAVELOCK.

To amend "The Native Administration Law, 1875."

Preamble. WHEREAS it is expedient to amend "The Native Administration Law, 1875," and for this purpose to repeal and re-enact with amendments certain sections of the said Law :

Be it therefore enacted by the Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Sections 10, 13, and 15 of "The Native Administration Law, 1875," shall be and the same are hereby repealed.

2. The provisions of the 5th Section of "The Native Administration Law, 1875," that civil cases arising "out of the ownership of or succession to land shall be adjudicated upon according to the principles laid down by the ordinary Colonial Law in such cases" shall be and is hereby repealed : Provided always, that as to immovable property of Natives who shall have died before this Law comes

Repeal of sections 10, 13, and 15 of Law 36, 1875.

Amendment of 5th section of Law 16, 1875.

Native Administration.

into operation, and of all Natives who shall die after the coming into operation of this Law, the provisions of the Law No. 12 of 1864 shall apply in the same manner as would have been the case if the said hereby repealed provision of the 5th Section of the "Native Administration Law, 1875," had not repealed the said provision of the Law No. 12 of 1864: and further provided, that in the case of all unexempted Natives in the possession of landed property who have died, or may die, intestate, the right of succession to such landed property shall be decided in accordance with the code of Native Law as to the succession to property.

3. The Administrators of Native Law shall, in the first and third week of every month, forward a return of all criminal cases adjudicated upon by them under Native Law during the previous fortnight to the Secretary for Native Affairs, together with the records when demanded, who shall have full power and authority, with the sanction of the Governor, to alter, amend, vary or quash any judgment of any Administrator of Native Law, should he be of opinion that any manifest hardship or injustice has been done by such judgment.

4. The Governor shall appoint a Board, consisting of the Attorney-General, the Secretary for Native Affairs, the Judge of the Native High Court, and two other persons, being Magistrates or Justices of the Peace for the Colony, of whom three shall form a quorum, and such Board shall from time to time frame rules for procedure and conduct of its own business, and for the procedure and conduct of business in the Court of Appeal, in the Native High Court, in the Courts of the Administrators of Native Law, and in other Courts constituted under "The Native Administration Law, 1875," and fix fines, fees, costs, charges, and payments of witnesses' expenses, and shall also frame rules for the appointment and functions of Assessors; and may from time to time determine whether Attorneys or Agents shall be allowed to practice in said Courts, and frame rules and conditions, and fix costs and charges to be made under which they may so appear and practice, and shall further determine what class of cases shall be tried in the first instance by the several Courts, and in what cases Appeal—Civil or Criminal—shall be allowed from the judgment of any of the Courts of the Administrators of Native Law, and from the Native High Court.

5. The Board appointed under the provisions of the last preceding section shall from time to time, and with the concurrence of a majority of the members thereof, present at any meeting for that purpose held, have power to propose the alteration, amendment, or repeal of any of the provisions of Native Law as known and administered in the Colony of Natal, and whether or not such Native Law contained in any Code or Instruction, or other document whatsoever; also the establishment of new provisions therein, and the alteration, amendment, or repeal from time to time of any such new provisions; and shall have power to fix penalties for any contravention of the said Code of Native Law, or Instructions, or of any of the Rules and Regulations framed thereunder.

Law No. 12, 1864, to apply as to immovable property of deceased Natives.

In intestacy, succession to land to be in accordance with Native Code as to succession to property.

Return of criminal cases tried by Administrators of Native Law to be furnished to Secretary for Native Affairs, who may alter, amend, vary, or quash any judgment.

Constitution of Board.

Board to make rules as to its own procedure and that in the Court of Appeal, Native High Court, and Administrators' Courts, and those constituted under Law 24, 1875, and other matters concerning the Courts.

Powers of Board to propose alteration, amendment, or repeal of any provisions of Native Law.

Native Administration.

Board's proposals to be submitted to the Governor in Council, who may adopt or reject or remit any of them for further consideration.

And all new provisions, as well as all alterations, amendments, or repeals so proposed as aforesaid shall be in writing, and be laid before and considered by the Governor in Council, who may adopt and approve or refuse absolutely to adopt or approve the same, or any part of the same, and should the Governor in Council so determine, any or all such new provisions, alterations, amendments, or repeals may be remitted to the Board for further consideration of any and every part thereof and of any suggestions or recommendations which the Governor in Council may make. And any further recommendations of the Board shall be again laid before the Governor in Council and considered and dealt with in the manner aforesaid.

Proposals, when approved, to be laid before the Legislative Council.

And whenever the Governor in Council shall, by resolution, adopt and approve of any new provisions, alterations, amendments, or repeals of Native Law so made at any time by the aforesaid Board, and not otherwise, then such new provisions, alterations, amendments, or repeals shall, by direction of the Governor, be laid before the Legislative Council of the Colony.

Within 14 days after approval, or after the commencement of the ensuing session.

Every new provision, alteration, amendment, or repeal of Native Law required by this Law to be laid before the Legislative Council, shall be so laid within 14 days next after the Governor in Council shall have adopted and approved the same if the Legislative Council is then in sitting, or if not, within 14 days after the commencement of the then next ensuing session of the Legislative Council.

Legislative Council may, within four weeks, by Address, object to any of the proposals; and as far as objected to, they shall be void.

And if, within four weeks of the day on which such new provisions, alterations, amendments, or repeals shall have been laid before the said Legislative Council, an Address is presented to the Governor by the Legislative Council objecting to all or any part of such new provisions, alterations, amendments, or repeals as aforesaid, then any such new provisions, alterations, amendments, or repeals, in so far as the same shall be objected to by the Legislative Council, shall become void and of no effect.

Any alteration suggested in the Address may be adopted or rejected by the Governor in Council.

And if any such Address presented as aforesaid shall in respect of any such new provisions, alterations, amendments, or repeals, recommend the adoption of certain specific alterations therein, it shall be lawful for the Governor in Council, upon consideration thereof, to adopt or reject the same.

If no Address be presented, or if the alterations be adopted, the Governor's sanction may, with the advice of the Executive Council, be proclaimed.

And if no Address be presented by the Legislative Council to the Governor within the time aforesaid, or if the Governor in Council shall adopt any such specific alteration, if recommended as aforesaid, then it shall be lawful for the Governor, upon the recommendation of his Executive Council, by Proclamation, to sanction, approve, and confirm all or any such new provisions, alterations, amendments, and repeals as aforesaid.

Such new provisions so sanctioned and proclaimed in the *Government Gazette* to have effect as if inserted in this Law, but subject to disallowance by Her Majesty.

And all such new provisions, alterations, amendments, and repeals shall, when so sanctioned, approved, and confirmed by the Governor in Council, and published by Proclamation in the *Government Gazette*, have the same force and effect as if they had been inserted in this Law, subject always, however, to disallowance by Her Majesty, signified through one of Her Majesty's Principal Secretaries of State: and provided further that nothing herein contained shall have

Native Administration.

the effect of repealing or annulling any of the provisions of the Code of Native Law reduced to writing by the Board appointed under Section 10 of "The Native Administration Law, 1875," or any rules and regulations framed and passed by the said Board, unless or until the same shall be altered, amended, or repealed under and by virtue of the provisions of this Law.

6. Where any homicide, assault, or other injury to person or property, whether of Native or person of European descent, has occurred, and it is shown to the satisfaction of the Governor that such homicide, assault, or other injury as aforesaid was caused by Natives, and if there is reason to believe that there is a combination among any tribe or community of Natives to suppress evidence material to the trial of such offence, or to conceal the perpetrator thereof, or otherwise by passive resistance to constituted authority to encourage the repetition of such crime or offence, it shall be lawful for the Governor to impose upon such tribe or community a fine not exceeding £5 per head of the male adult population for each offence, to be recoverable in such manner as the Governor shall direct, and to remit such fine, or any portion thereof, if he shall see fit.

Proviso.

If there be reason to believe that there is a combination among any tribe or community of Natives to suppress evidence of a homicide, assault, or other injury to person or property by Natives, or to conceal the perpetrator, or by passive resistance to encourage the repetition of such offence, the Governor may enforce a fine upon such tribe or community.

7. "The Governor shall exercise and enjoy over all the Chiefs and Natives in the Colony all the power and authority which, according to the laws, customs, and usages of Natives, are held and enjoyed by any Supreme or Paramount Native Chief, and he is hereby empowered, with the advice and consent of the Executive Council, to direct that any Chief who has been found guilty of any political offence likely to endanger the peace of the Colony, shall be dismissed from such chieftainship, and be removed from the Location where he shall have resided, and be placed under such supervision or restraint as may appear to be expedient."

Power and authority of the Governor over Chiefs and Natives.

Dismissal and removal of a Chief found guilty of a political offence dangerous to the public peace.

8. That no judgment shall be given in any Court of Law against any Native founded on a promissory note, bill of exchange, or mortgage bond, or other liquid document of debt, unless such promissory note, bill of exchange, mortgage bond, or other liquid document of debt, shall have endorsed thereon, or attached thereto, a certificate signed by a Resident Magistrate or a Justice of the Peace, to the effect that the Native sought to be charged thus, signed his name or made his mark in the presence of a Resident Magistrate or of a Justice of the Peace after the same has been explained to him by the said Resident Magistrate or Justice of the Peace: Provided that this clause shall not extend to any document signed before the passing of this Law.

No judgment to be given against a Native upon a liquid document of debt unless it be executed with certain formality.

9. "The Native Administration Law, 1875," and the Law No. 21, 1878, entitled "Law to confer upon Administrators of Native Law appointed under Law No. 26, 1875, certain increased jurisdiction within their respective Districts," and this Law shall be read and construed together as one Law.

Laws Nos. 26, 1875, 21, 1878, and this Law to be read together as one law.

10. This Law shall not come into operation unless and until the Officer Administering the Government notifies by Proclamation in

Commencement of Law.

cc

Native Administration.—Native Marriages.

the *Government Gazette* that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same or any other Proclamation.

Given at Durban, Natal, this 18th day of September, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 45, 1887.

(Signed) A. E. HAVELOCK.

For making Further Provision for the Service of the Year 1886.

LAW No. 46, 1887.

(Signed) A. E. HAVELOCK.

To regulate the Marriage of Natives by Christian Rites.

Preamble.

WHEREAS it is desirable that the marriages of Natives by Christian Rites should be regulated ; and whereas it is desirable that all such marriages so solemnized should, in all respects, be treated as marriages under the ordinary law of this Colony, as administered in the Supreme Court thereof :

And whereas it is desirable to make provision accordingly :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. On and after the coming into force of this Law, it shall and may be lawful for any of the Natives of this Colony who may be desirous of being joined together in matrimony by Christian Rites to be married under the provisions of Ordinance No. 17, of 1846, entitled " Ordinance to amend the Law regarding marriages within the District of Natal," subject, however, to the special provisions hereinafter set forth, in so far as the same may vary, alter, or amend, the said Ordinance and Order in Council of 7th September, 1838 : and provided also that it shall not be lawful for any marriage officer appointed by the Governor under the provisions of Clause 12 of the said Ordinance No. 17, of 1846, to solemnise marriage between any parties, being Natives, and not exempted from the operation of Native Law under the provisions of Law No. 28, 1865.

Any Natives may be married by Christian rites, according to Ordinance 17, 1846, and the provisions of this Law.

Proviso.

Native Marriages.

2. Any Natives desirous of being married in accordance with Christian Rites shall apply to the Resident Magistrate of the Division or County in which they or the intended bride reside, for a license, and the said Natives shall, before obtaining such license to be married in accordance with Christian Rites, subscribe and declare to the particulars required in the Schedule to this Law annexed, marked A ; and the said Resident Magistrate shall, after the parties to the intended marriage have subscribed the declaration as set forth in the Schedule B, annexed to this Law, that the nature and obligation of the marriage contract they desire to enter into has been fully explained to and understood by them, and upon receipt of the fee hereinafter provided, issue a license in the form of the Schedule to this Law annexed, marked C ; provided always that such license shall be in force for a period of three months from the date thereof, and no longer.

3. A marriage by Christian Rites shall be taken and deemed to be any marriage solemnized by any minister of religion duly authorised thereto under the provisions of the Ordinance No. 17, of 1846 : Provided always, that whenever the form and ceremony used shall be other than that of the Church of England, each of the parties shall, in some part of the ceremony, make the following declaration :

“ I do solemnly declare that I know not of any lawful impediment why I, A B, may not be joined in matrimony to C D, here present.”

And each of the parties shall say to the other—

“ I call upon these persons here present to witness that I, A B, do take C D, to be my lawful wedded wife (or husband).”

4. Any Native who shall wilfully declare to the truth of the particulars set forth in any declaration executed as aforesaid before the Resident Magistrate, knowing the same to be untrue, shall be liable, on conviction, to a fine not exceeding £10, or to imprisonment with hard labour for any period not exceeding three months.

5. Should the Native woman to be married not be exempted from the operation of Native Law, then in such case, the consent of her father, or in case of his death, the consent of the person who, by Native Law, stands in the position of her guardian, must in like manner be obtained to her marriage before the issue of the marriage license : Provided always, that it shall and may be competent for the Governor to dispense with the consent of the parents, or guardians aforesaid, as in the next succeeding section set forth.

6. Should the parent or guardian whose consent to any marriage is required under this Law be *non compos mentis*, or be dead, or be absent from the Colony, or be otherwise incapable of consenting ; or should he, or they be induced unreasonably or improperly to withhold his, or their consent, it shall be lawful for the parties desirous of being married under this Law to petition the Governor ; and the Governor may, should he be satisfied that there is no sufficient objection to such marriage, issue his order in writing authorising the

Intending spouses to be made, see Schedules A and B.

Declarations to be made, see Schedules A and B.

Issue of license, see Schedule C.

Duration of license.

Marriage by Christian rites defined.

Proviso : Declarations to be made in certain cases.

Penalty for making a false declaration.

Consent of father or guardian of unexempted Native woman required.

Proviso.

Where consent cannot be given from certain causes, or is improperly withheld, parties may petition the Governor, who may authorize the issue of license.

Native Marriages.

issue of the license as required in the last preceding section, and every marriage duly solemnized in pursuance or under the authority of such order, and in accordance with this Law, shall be as good, valid, and effectual to all intents and purposes whatsoever, as if the consent of the parent or guardian had been duly given thereto.

7. It shall not be competent nor lawful for any Natives, one or both of whom may be subject to Native Law, to be married by Christian rites except the license herein provided for be first had and obtained.

Unexempted Natives may not be married by Christian rites without a license.

Minister may not solemnize the marriage without production of the license.

Copy of duplicate register and of the license to be transmitted to the Registrar-General.

Penalty for default.

Preceding sections not to apply to marriages of exempted Natives.

Ante-nuptial contracts.

No marriage under this Law shall, when the husband is an unexempted Native, remove either party from operation of Native Law.

No divorce, separation, or the like, in reference to such marriage shall be granted by any Court of Native Law. Such suit may be brought under the ordinary law.

8. It shall not be competent nor lawful for any Minister of the Christian religion to solemnize matrimony between Natives one or both of whom may be subject to Native Law, except upon the production to him, the said Minister, of the marriage license hereinbefore provided for, and every Minister of the Christian religion solemnizing matrimony according to Christian rites between Natives, one or both of whom may be subject to Native Law, shall, in terms of Section 6 of Law No. 16 of 1867, transmit to the Registrar-General a certified copy of the duplicate original Register of every marriage so solemnized by him, together with a copy of the license required by this Law; and any such Minister, who may refuse or neglect to transmit the same, shall, on conviction before the Court of any Resident Magistrate, be liable to a fine not exceeding £5 sterling.

9. Nothing in the preceding Sections of this Law set forth shall be taken to apply to any marriage between Natives of which the parties thereto shall, both of them, prior to the date of such marriage, have been exempted from the operation of Native Law.

10. It shall and may be competent for the parties to any marriage to be solemnized under this Law, when the male Native is exempted from the operation of Native Law, to make and enter into any ante-nuptial contract duly signed and jointly executed, or in the presence of two witnesses, in the same manner as the parties to any marriage who are not Natives, are, or may be, under the Laws of the Colony, permitted and authorised to make an ante-nuptial contract.

11. No marriage between Natives solemnized under this Law shall, when the male Native is subject to the Native Law in force in this Colony in anywise, except as is in this Law provided, remove either of the parties to such marriage from the operation of such Native Law, either in their persons or their property.

12. It shall not be lawful for any Court administering Native Law to entertain any suit or petition for any divorce or separation, or the like, in reference to any marriage solemnized between Natives according to Christian Rites under the provisions of this Law: Provided always, that it shall and may be lawful for the parties to any such marriage to sue for and obtain a divorce or other relief by process under the ordinary Laws of the Colony.

Native Marriages.

13. Any Native having contracted marriage under the provisions of this Law who shall during the lifetime of his or her spouse, unless legally divorced under the ordinary Laws of the Colony, contract any marriage in accordance with Christian Rites or under the Native Laws, customs, or usages, shall be held to have committed bigamy, and shall be liable to be prosecuted and punished accordingly under the ordinary Laws of the Colony.

Any second marriage during the continuance of the first to be bigamy.

14. It shall not be lawful for any Native, having contracted marriage by Christian Rites under the provisions of this Law, should either of the parties to such marriage become a widower or widow, as the case may be, or should they be divorced by process of Law, to contract any marriage at any future time by Native Law, custom, or usage, and any such future marriage, or pretended marriage, shall be null and void and of no effect; and any Native acting contrary to this provision shall be liable to be punished by fine, not exceeding £25, or imprisonment with hard labour, not exceeding one year, at the discretion of the Supreme or Circuit Courts of the Colony on the prosecution of the Attorney-General.

Widower or widow may not marry again by Native Law or custom.

Penalty.

15. It shall not be lawful for the children of any Natives married by Christian Rites under the provisions of this Law, such children being the issue of such marriage, to contract marriage by Native Law, custom, or usage, and any such marriage shall be null and void and of no effect, and the party or parties to the same shall be liable to be punished by fine not exceeding £25, or imprisonment with hard labour not exceeding one year, at the discretion of the Supreme or Circuit Courts of the Colony, on the prosecution of the Attorney-General.

Children of such marriage may not marry by Native Law or custom.

Penalty.

16. There shall be payable to Her Majesty, Her Heirs and Successors, to be applied to the uses of the Government of this Colony, on each marriage license issued under this Law, a fee of 10s., and the Resident Magistrate issuing any such license shall collect the said sum from the person obtaining the same.

License fee.

17. Any rules, regulations, or other provisions of the Native Law or of the ordinary Law in force in this Colony, in so far as the same are at variance or in conflict with or repugnant to the several provisions of this Law, shall be, and the same are hereby, varied or repealed as the case may be.

Repeal of any Native Law or rules repugnant to this Law.

18. This Law shall not come into operation unless and until the Officer administering the Government notifies by Proclamation, that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify by the same or any other Proclamation.

Commencement of this Law.

Native Marriages.

SCHEDULE A.

Schedules.

At Natal,
 Before me, Resident Magistrate,
 on the 18,
 Appeared
 who is desirous of entering into the Bonds of Matrimony in
 accordance with Christian Rites, and having been duly cautioned,
 states in answer to the following questions :
 Name
 Father's name
 Age
 Where born
 Name of Chief and Tribe
 Condition [Single Man or Single Woman]
 Whether exempted from Native Law or not
 If exempted, date of Letter of Exemption
 Whether divorced or not
 If divorced to produce proof of divorce
 If previously married to state names, ages, and sex of children, if
 any, by such marriage
 To be married to whom.

I further declare that I am not related to and that I am
 under no previous engagement.

Signed

Before me

Resident Magistrate.

I hereby certify that I have fully explained the nature and obli-
 gation of the marriage contract to the abovenamed, and that
 acknowledges to have fully understood the same.

Resident Magistrate.

SCHEDULE B.

I also hereby declare that the nature and obligation of the mar-
 riage contract I desire to enter into has been fully explained to and
 understood by me ; and I am aware that should I contract another
 marriage during the lifetime of my spouse without having previously
 obtained a divorce, as required by Law No. , of 188 , I shall be
 liable to prosecution for bigamy, and to punishment by either fine or
 imprisonment with hard labour, as may be decreed by the Court.

Signed

Before me

Resident Magistrate.

Native Marriages.—Insolvency.

SCHEDULE C.

Resident Magistrate's Office
Natal,

188 .

and
having
appeared before me and stated their desire of being married under
Christian Rites, and having complied with all the provisions of Law
No. , of 188 , this is to notify that license is hereby granted
to them to be married in accordance with Christian Rites.

Resident Magistrate.

Given at Durban, Natal, this 18th day of September,
1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 47, 1887.

(Signed) A. E. HAVELOCK.

To amend and consolidate the Law of Insolvency.

WHEREAS it is desirable to amend the Laws regulating the due Preamble.
collection, administration, and distribution of Insolvent Estates within
this Colony, and to consolidate the Laws relating thereto :

Be it therefore enacted by the Governor of Natal, with the
advice and consent of the Legislative Council thereof, as follows :—

1. This Law may be cited as "The Insolvency Law, 1887."

Short title.

2. This Law shall, except as by this Law otherwise provided,
commence and come into operation from and immediately after the
Thirty-first day of December, One Thousand Eight Hundred and
Eighty-seven.

Commencement
of Law.

3. It shall not be lawful for any Court to grant, nor for any
person to obtain, the benefit or relief of cession of goods and
property commonly called the *cessio bonorum*, nor the benefit of
attenuation or *respite*, nor the benefit of induction, nor any other
relief to insolvent debtors, save and except under the provisions of
this Law.

No relief to be
given to insol-
vent debtors
except as pro-
vided by this
Law.

4. A debtor commits an act of insolvency in each of the following
cases :—

Acts of insol-
vency.

a. If in Natal, or elsewhere, he makes a conveyance or assign-
ment of his property, except a conveyance or assignment
made under the provisions of this Law, to a trustee or
trustees for the benefit of his creditors generally.

Insolvency.

- b. If in Natal, or elsewhere, he makes a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof.
- c. If in Natal, or elsewhere, he makes any conveyance or transfer of his property, or any part thereof, or creates any charge thereon, which would under this or any other Law be void as a fraudulent preference if he were adjudged insolvent.
- d. If with intent to defeat or delay his creditors he does any of the following things, namely : departs out of Natal, or being out of Natal remains out of Natal, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house.
- e. If execution issued against him for a sum of not less than £50 has been levied by seizure and sale of his goods under process in an action in any Court.
- f. If he presents an insolvency petition against himself.
- g. If the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts, or if he offers to compound, except under the terms of this Law, with his creditors, or any of them.
- h. If having against him the sentence of any competent Court for a sum of not less than £50, and being thereunto required he shall not satisfy the same, or shall not point out to the officer charged with the execution thereof sufficient disposable property to satisfy the same, or if it shall appear from the return made by such officer, or his affidavit, that he has not found sufficient disposable property to satisfy such sentence.
- i. If he shall make or cause to be made, either in Natal or elsewhere, any alienation, transfer, gift, cession, delivery, mortgage, or pledge of any of his goods or effects, movable or immovable, with intent or in such manner as to defeat or delay his creditors in obtaining payment of their debts, or with intent, or in such a manner as to prefer one creditor before his other creditors.

*Petition for
acceptance of
surrender.*

5. A debtor's petition shall allege that the debtor is unable to pay his debts, and being insolvent is desirous of surrendering his estate for the benefit of his creditors ; it shall be verified by affidavit, and shall by accompanying schedules or other documents show the particulars of the petitioner's assets, debts, and liabilities, the names and residences of his creditors, the securities held by them respectively, and the dates when the securities were respectively given, and the presentation of such petition shall be deemed an act of insolvency, and the Supreme Court, or any Judge thereof sitting in Chambers or at any Circuit Court, shall, except in the cases hereinafter provided for, upon being satisfied with the said petition, and its substantial compliance with the provisions of this Law, and with the proof adduced in support thereof, thereupon make an order accepting the

Insolvency.

surrender of such debtor's estate, and placing the same under sequestration in the hands of the Master of the Supreme Court. A debtor's petition shall not after presentment be withdrawn without the leave of the Court.

6. A debtor's petition, as in the foregoing section mentioned, may be presented by

By whom
petition may
be presented.

- a. The debtor.
- b. Any person authorised by power of attorney to administer the estate of any person absent from the Colony, in the name of such person so absent.
- c. Any person legally vested with the administration of the estate of any person deceased, in the name of such person deceased.
- d. Any person legally vested with the administration of the estate of any person legally or actually incapable of the administration of his estate, in the name of such person so incapable.
- e. The greater number of the partners present in the Colony of any Company trading or having an estate or effects in Natal.

7. Each and every debtor intending to present a debtor's petition shall give notice in the *Government Gazette* at least ten clear days before he makes application for leave to surrender his estate, and such notice shall specify the date upon which, and the Court in which, or the Judge before whom he intends to present his petition. The debtor's petition, with any schedules accompanying the same, and all documents intended to be used by the debtor in support of his application, shall be lodged with the Registrar of the Supreme or any Circuit Court, as the case may be, at least ten clear days before the date upon which the application is to be made, and a copy of such petition, schedules, and accompanying documents shall be lodged at the office of the Resident Magistrate of the division in which the debtor resides at least seven clear days before the date on which the application is to be made. Such petition, schedules, and accompanying documents shall, on application, be open to the inspection of creditors and others interested at any time during office hours. No order of sequestration shall be granted on a debtor's petition until proof shall have been given to the satisfaction of the Court or Judge to whom such application as aforesaid is made that the provisions of this section have been complied with. On the day fixed for the hearing, the Court may hear any creditor of the debtor claiming to be interested in the matter of the debtor's petition either in favour of the same or in opposition thereto, and shall make such order in the premises, accepting the surrender or dismissing the petition, or otherwise as shall to justice appertain.

Notice of appli-
cation.

Filing of petition
and copy.

Hearing of
application and
objections.

8. From and after the publication in the *Government Gazette* of the notice of the lodging of the debtor's petition in the foregoing section mentioned, it shall not be lawful to sell any property belonging to the estate to which such notice relates attached under any writ of execution or other process in the nature of an execution at any time

Effect of publi-
cation of notice.

Insolvency.

before the application for the surrender of such estate shall have been made and adjudicated upon, except by order of some competent Court ; and if the proceeds of any property sold under legal process for the satisfaction of any debt due by such estate shall remain in the hands of the Sheriff, or other officer of the Law, at the date of the publication of any such notice, such proceeds shall be retained by such Sheriff or officer, and shall not be paid over or distributed, except by order of some competent Court, before such application as aforesaid shall have been made and adjudicated upon.

Petition showing assets of less value than £50.

9. When a debtor's petition shows that the petitioner has no assets, or when the assets proposed to be surrendered are of an estimated value of less than Fifty Pounds Sterling, it shall and may be lawful for the Supreme Court to refuse to grant any order placing the debtor's estate under sequestration unless it shall appear that the small value or absence of any assets is due to unavoidable misfortune, and the Supreme Court shall be satisfied with the explanation offered, and in its discretion to decide to grant an order of sequestration of the estate of the said debtor.

Order for sequestration upon petition of creditor.

10. Subject to the conditions hereinafter specified, if a debtor commits an act of insolvency, the Supreme Court or any Judge thereof sitting in Chambers or at any Circuit Court may, on an insolvency petition being presented by a creditor, or by his representative duly authorised, and upon satisfactory proof in support thereof, grant an order placing the debtor's estate under sequestration in the hands of the Master of the Supreme Court.

Debtors against whom a creditor may petition.

11. A creditor's petition, as by this Law prescribed, may be presented against the following debtors, that is to say :—

- a. Any debtor who has personally committed an act of insolvency.
- b. Any debtor whose affairs, he being absent from the Colony, are administrated by any person authorised by power of attorney, and who so authorised has committed an act of insolvency in administering the debtor's affairs.
- c. Any debtor deceased, the administration of whose estate is legally vested in a person who has committed an act of insolvency in administering the deceased debtor's affairs.
- d. Any debtor incapable of administering his estate when the person legally vested with the administration thereof has committed an act of insolvency in administering such debtor's affairs.
- e. Any partnership company having an estate or effects in Natal when either of the partners thereof, or any person duly authorised to administer the partnership property, has committed an act of insolvency in so administering the partnership affairs or property.
- f. A partner of a partnership company against which an order of sequestration has been granted on a petition presented by or against such company.

Insolvency.

Provided also that no order of sequestration shall be granted, nor any insolvency petition by or against any Joint Stock Company, registered under the "Joint Stock Companies Limited Liability Law, 1864," be capable of presentation under the provisions of this Law.

Estate of Joint Stock Company may not be sequestrated, vide Law 10, 1864.

12. (1) A creditor shall not be entitled to present an insolvency petition against a debtor unless—

In what cases a creditor may petition.

- a. The debt owing by the debtor to the petitioning creditor shall amount to fifty pounds sterling, or if two or more creditors join in the petition the aggregate amount of debts owing to the several petitioning creditors amounts to one hundred pounds sterling.
- b. The debt is for valuable consideration for a sum payable either immediately or at some certain future time.
- c. The act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition.
- d. The debtor is domiciled in Natal, or within a year before the date of the presentation of the petition has ordinarily resided or had a dwelling-house or place of business in Natal.
- e. He gives security, in writing, to the satisfaction of the Master of the Supreme Court, or of the Resident Magistrate of the County or Division in which such petition shall be presented for payment of the necessary fees and charges for prosecution of the said sequestration until the choice or appointment of trustees, and
- f. A certificate be endorsed on the petition by the Master or such Resident Magistrate as aforesaid that such security has been found.

(2.) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged insolvent, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same manner as if he were an unsecured creditor.

Petition by a secured creditor.

13. A creditor's petition shall be verified by affidavit of the creditor or of some person on his behalf having knowledge of the facts, and shall set forth, among such further and other particulars as may be necessary—

Particulars of creditor's petition.

- a. The residence of the debtor.
- b. The amount of the debt of the petitioning creditor, and the cause thereof, and when due.
- c. Whether the debt is secured ; if so, the security held, and the value thereof.
- d. The alleged act or acts of insolvency, and the respective dates thereof.

Insolvency.

Provisional order
of sequestration.

Such creditor's petition shall pray that the estate of the debtor may be sequestrated for the benefit of his creditors, and upon proof to the satisfaction of the Supreme or any Circuit Court, or any Judge thereof respectively as to the petitioning creditor's debt, and as to the acts of insolvency alleged and otherwise, the said Court or Judge may grant a provisional order, directing that the estate of such debtor be placed under sequestration in the hands of the Master of the Supreme Court until the same shall in manner hereinafter mentioned be adjudged to be sequestrated or the said petition shall be discharged: Provided, however, that such Court or Judge may, in his discretion, refuse to entertain the prayer of any creditor's petition until notice has been given to the debtor as hereinafter provided, and may give leave for such notice to be served in the manner by this Law prescribed, or may refuse the prayer of such petition absolutely.

Summons to
show cause
against order
for sequestra-
tion.

14. Any creditor who has presented a creditor's petition, and has duly obtained from the Court or a Judge a provisional order directing that the estate of a debtor be placed under sequestration in the hands of the Master of the Supreme Court, or who has obtained leave to serve the notice by this Law prescribed, shall immediately after the obtaining of such order, take out the process of the Supreme Court to summon the debtor to appear before the said Court or the Judge thereof on a day which shall be fixed by the Court or Judge when granting the order or giving leave as aforesaid to show cause why his estate should not by sentence of the said Court or Judge be adjudged to be sequestrated for the benefit of his creditors, and the service of the said process shall be made in the manner provided for the service of any other process of the said Court: Provided that not less than seven days' notice be given to any debtor: Provided also that if any debtor has been forty days absent from his usual place of residence or business within the Colony, copies of the said summons shall also be affixed upon the outer door of the Supreme Court and inserted in the *Government Gazette* of this Colony. Such summons shall clearly specify the act or acts of insolvency relied upon by the creditor, and there shall be attached to such summons a copy of the creditor's petition and of any other documents used on the original application. A creditor's petition shall not, after presentment, be withdrawn without leave of the Court.

Hearing.

15. At the hearing upon the return day of the summons, the Court or Judge shall require proof of the debt of the petitioning creditor, the service of the summons, and of the act of insolvency, or if more than one act of insolvency is alleged in the summons, of some one of the alleged acts of insolvency, and, if satisfied with the proof, may grant a final order sequestrating the debtor's estate. If the Court or Judge is not satisfied with the proof of the petitioning creditor's debt, or of the act of insolvency, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the summons and petition and supersede the provisional order for

Final order for
sequestration.

Dismissal of
petition.

Insolvency.

sequestration, or may stay all proceedings on the summons for such time as may in the discretion of the Court be deemed reasonable, and may require further proof of the matters in issue. Whenever such summons and petition shall be dismissed by the said Court, all questions affecting the estate of any person against whom it was presented, or any right of such person or of his creditors or debtors; or the validity of any alienation, transfer, gift, cession, delivery, mortgage, pledge, payment, acquittance, surrender, or discharge, made by such person, or payment made to such person, shall be judged of and determined as if such petition had never been presented.

Effect of dismissal.

16. If it shall appear to the Court before whom any person has been so summoned as a debtor upon such petition for sequestration that the said petition was unfounded and vexatious or malicious, it shall and may be lawful for the Court to allow the said person, on his application for the same, forthwith to prove any damage alleged to have been by him sustained thereby, and to award to the said person such satisfaction for the said damage as the said Court shall deem fit, or otherwise to leave the said person to his action for the said injury.

Vexatious or malicious petitions.

17. The cost of presenting and prosecuting a debtor's or creditor's petition upon which an order of sequestration has been granted, and all costs of sequestration up to and until the appointment of the trustee, shall be a first charge on any assets realised in the insolvent debtor's estate, and shall, after having been first taxed and ascertained by the Master, be paid by the trustee as a portion of the costs of administration out of the first money that shall be received by him. If the assets realised by the trustee in any insolvent estate are insufficient to meet the costs of administration, the creditors who have proved concurrent claims on the estate shall be personally liable for such costs in proportion to such claims. The costs incurred in rendering any part of the insolvent estate over which any creditors shall hold any special mortgage, pledge, hypothec, or lien, available for the payment of the debt thereby secured, or of administering the said property, shall be paid out of the proceeds of the property over which any such security extends when the proceeds shall be sufficient for the same, and when the proceeds shall be insufficient such creditor shall be personally liable for the same. The costs of administration shall include the remuneration or commission payable to the trustee, fees of office, to Master, Sheriff, and others, and any other payments and expenses, including law costs, incurred under and by virtue of any resolution of creditors passed at any meeting in relation to any action or other legal proceedings affecting the said estate.

Costs of sequestration.

Costs of rendering any property available for payment.

Costs of administration.

18. Each and every order of sequestration shall, immediately upon the granting thereof, be transmitted, by the Registrar of the Court, or of the Judge granting the same, to and lodged with the Master of the Supreme Court, with whom shall also be lodged the debtor's or creditor's petition and other documents upon which the said order was granted. The said Master shall forthwith notify to the Sheriff of Natal in writing the granting of every such order of sequestration,

Transmission of order of sequestration to Master of Supreme Court.

Notice to Sheriff.

Insolvency.

Publication of provisional order granted on creditor's petition.

Attachment of estate and inventory.

Service of copy upon person in possession.

Penalty for dealing with attached property.

Securing or taking charge by Sheriff.

Duties of Sheriff.

Remuneration of Sheriff.

Duties of Magistrates.

Revival of order of sequestration.

and the said Sheriff shall note thereon the date and hour of its receipt. The said Master shall also, when the order has been granted on an creditor's petition and is provisional, cause the same to be notified in the *Natal Government Gazette*.

19. The Master of the Supreme Court, upon any estate being placed under sequestration in his hands, shall, by the Sheriff of Natal, or by one or more of his lawful deputies, enter and lay an attachment on the estate and make an inventory thereof. The said Sheriff or deputy may, when the order of sequestration has been granted on a creditor's petition, be accompanied by the petitioning creditor or some one authorised by him on behalf of himself and the other creditors of the said estate, and it shall in all cases be lawful for any one or more of the creditors of an insolvent debtor to be present with and accompany the Sheriff or his deputy when making out any such inventory as aforesaid.

20. The Sheriff or his lawful deputy attaching any movable property under and by virtue of any order for the sequestration of a debtor's estate shall leave with the person in whose possession any such property is attached a copy of the inventory of such property with a notice that the same has been attached. Any person who, knowing the same to have been attached, shall dispose of, remove, conceal, or receive the same or any part thereof with intent to defeat the said attachment, shall be liable on conviction of such offence to be imprisoned with or without hard labour for any period not exceeding five years: Provided always that the Sheriff, or his lawful deputy, may secure by removal, sealing up, or otherwise, in his discretion, any articles which in the discharge of his duty he may deem it expedient so to secure, or he may leave some person on the premises in custody thereof. The Sheriff shall forthwith report his execution of the said attachment to the Master of the Supreme Court, who shall take such measures and give such directions for the safe custody of the said property as to him shall seem fit. The Sheriff or his lawful deputy shall execute and perform all such acts and duties as he may be required to execute and perform by the Master of the Supreme Court, and shall receive for such services out of the assets of the insolvent estate as to which he may be so employed, such reasonable fees as are or shall be allowed by the Supreme Court for such service.

21. The Resident Magistrates of Natal in their respective districts shall aid and assist in carrying this Law and the provisions thereof into effect, and for that purpose shall do and execute all such matters and things as they shall be required to do and execute by any rule or order of the Supreme Court by virtue of this Law. Any Resident Magistrate presiding at any meeting in any insolvent estate shall forthwith certify to the Master of the Supreme Court the proceedings thereat.

22. If after any order of sequestration has been made on a creditor's petition the debts of the petitioning creditor be found insufficient to entitle such creditor to apply for and obtain such order, or if such order shall be superseded in consequence of the

Insolvency.

default of the petitioning creditor or his collusion with the debtor, it shall be lawful for the Supreme Court, upon the petition of any other creditor, in compliance with the provisions of this Law, to order that the sequestration be revived and proceeded in as if it had been originally obtained on such last-mentioned petition, and thereafter the said sequestration shall be revived with all the consequences and effects thereof as if it had never been superseded, save only that when the sequestration shall be revived after the same shall have been superseded, the validity of every alienation, transfer, gift, cession, delivery, mortgage, pledge, payment, acquittance, surrender, and discharge made by such insolvent, and every payment to and dealing with the said insolvent between the time of the superseding of the order for sequestration and the time of the making of the order for reviving the same, shall be judged of and decided upon on such and the like grounds and principles, and no other, as would by law have been applicable to the same in case such order for revival were a primary and original order for sequestration.

23. If any person against whom an order of sequestration has been made shall pay any money to the person who obtained the said order, or give or deliver to any such person any satisfaction or security for his debt, or any part thereof, whereby such person may receive more in the pound in respect of his debts than he would be entitled to receive if the sequestration were proceeded in and the estate distributed among the creditors thereof according to their legal rights and preferences, such payment, gift, delivery, satisfaction, or security shall be a new act of insolvency, and every person so receiving such money, gift, delivery, satisfaction, or security, shall in the event of the sequestration being afterwards proceeded in by any other creditor as in this Law provided, or of a new order for sequestration being issued upon such new act of insolvency, deliver up such security, and shall repay the said money gift or the full value thereof to such persons as the Court shall appoint for the benefit of the creditors of such insolvent, and shall pay all the costs which shall be incurred by any other creditor in obtaining the revival of the said sequestration, and shall forfeit the whole of the debt due and owing to him by such insolvent.

24. Further execution of any judgment against any insolvent or his estate for the amount of any debt or sum of money shall, after any order of sequestration of such estate is granted, be stayed during the pendency of such sequestration, and the insolvent, if in prison in virtue of any decree of civil imprisonment given in respect of any judgment, debt, or costs, or any order for committal made in respect of disobedience to any order for the payment of money made in any civil suit or proceeding, may be released from his imprisonment in so far as the same is occasioned by reason of any such decree, order, or arrest as aforesaid, by the order of the Supreme Court, or the Judge thereof granting the order of sequestration, in case such Court or Judge shall not see cause to refuse to make such order, on proof of notice of the application for the discharge and release of such debtor having been served on the judgment creditor, And it shall

Any payment or giving of security by insolvent to the petitioning creditor to favour him above other creditors to be a new act of insolvency.

Effect thereof.

Stay of execution after order of sequestration.

Release of debtor from civil imprisonment.

Insolvency.

Judgment debt and costs may be proved.

and may be lawful for the person having right to such judgment to prove the debt and costs secured thereby against the sequestrated estate, and to take the benefit thereof upon distribution of the said estate. And where any property has been attached by legal process for satisfaction of any judgment, and has not been sold, or, having been sold, the proceeds thereof remain undistributed in the hands of the Sheriff or other officer of the law, such property or such proceeds shall be placed under sequestration in the same manner as any other part of the insolvent estate, and the person holding such judgment shall, on the distribution of the said estate, be entitled to be preferred over the proceeds of the property attached, or sold, as the case may be, at the time of the granting of the order of sequestration for the costs incurred by him for and in respect of the writ of execution, and the execution of the same, but not for the amount of his judgment debt, or of his costs of suit by him incurred before the suing out of such writ of execution.

Preference of judgment creditor for costs of execution.

Stay of proceedings against insolvent.

25. All actions pending against any insolvent for any debt or demand provable against his estate, and all proceedings therein shall, upon any order being made for the sequestration of such estate in virtue thereof be stayed, and the insolvent, if in prison under any arrest granted in security of any debt or demand in regard to which any such action shall have been instituted, may, by the authority and under the condition in the last preceding section mentioned, be discharged therefrom, and it shall and may be lawful for the plaintiff in such action to prove his debt, together with the taxed costs of suit then incurred against the sequestrated estate, and to take the benefit thereof upon distribution of the said estate: Provided, however, that all actions pending against any insolvent for damages alleged to have been sustained from any injury or wrong, or breach of any contract committed by him, such damages being uncertain, or for recovery of any claim unliquidated as to its amount, and all proceedings therein shall, upon any order being made for the sequestration of his estate, be stayed until a trustee shall be elected for the administration thereof if the sequestration shall remain in force so long; and thereupon the plaintiff in such action, after summoning the trustee to take up and defend the said action, may proceed to obtain the judgment of the Court thereon, and the said judgment, when recovered, together with the taxed costs of suit, shall be a debt provable against the said estate.

Release from arrest.

Proof of debt subject of the suit, and costs.

Stay of actions for damages or for unliquidated claims till appointment of trustee.

Stay of actions by insolvent.

26. All actions commenced by any person whose estate shall afterwards be placed under sequestration as insolvent for any debt or demand due to the said estate, and all proceedings therein shall, upon the order for such sequestration being made, be stayed until the trustee thereafter chosen for the administration of the said estate shall make election to prosecute or discontinue the same, and the trustee shall be bound to make such election within six weeks after notice to that effect shall be served upon him by any defendant in any such action, or otherwise shall be deemed to have abandoned the same: Provided, however, that any insolvent shall be permitted to continue in his own name and for his own benefit any action commenced by him previous to his insolvency for any personal injury or

Trustee may elect to prosecute or abandon.

Actions for personal injury.

Insolvency.

wrong done to himself or any of his family, and any damages which may be recovered in any such action shall not go or belong to the insolvent estate, nor shall any property proved to have been purchased or obtained by the insolvent with any such damages.

27. The Master of the Supreme Court shall, after any estate has been placed under sequestration, upon surrender thereof as insolvent, or has been adjudged to be sequestrated, forthwith cause notice thereof to be given in the *Government Gazette* of this Colony, stating the name, address, and description of the debtor, the date of the order, the Court by which the order is made, and the date of the petition.

Publication of notice of sequestration.

28. Where a final order for sequestration has been made on a creditor's petition, the insolvent debtor shall make out and submit to the Master of the Supreme Court, within seven days from the date of the order, a statement of and in relation to his affairs verified by affidavit, and showing the particulars of the debtor's assets, debts, and liabilities, the names and residences of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as the Master may require. Any person claiming to be a creditor of the insolvent may personally or by agent inspect this statement at all reasonable times, and take any copy thereof or extract therefrom without payment of fees.

Statement to be furnished by insolvent after order of sequestration granted on a creditor's petition.

29. As soon as may be after the granting of an order for the sequestration of the estate of any debtor, a general meeting of his creditors, hereinafter called the first, shall be held for the proof of debts, for the examination of the insolvent debtor, and for the election of a trustee or trustees for the collection, administration, and distribution of the said estate. With respect to the summoning of, and proceedings at, the first and other meetings of creditors, the rules in the first schedule shall be observed.

First meeting of creditors.

Vide Schedule 1.

30. The creditors qualified to vote may at their first or any subsequent meeting by resolution appoint from among the creditors qualified to vote, or the holders of general proxies or general powers of attorney from such creditors, a committee of inspection, for the purpose of superintending the administration of the insolvent's property by the trustee. The committee of inspection shall consist of not more than five nor less than three persons. The committee of inspection shall meet at such times as they shall from time to time appoint, and failing such appointment, at least once a month; and the trustee, or any member of the committee, may also call a meeting of the committee as and when they think necessary. The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present at the meeting. Any member of the committee may resign his office by notice in writing signed by him, and delivered to the trustee. If a member of the committee becomes insolvent, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee, his office shall thereupon become vacant. Any member of the committee may be removed by an ordinary resolution

Appointment of committee of inspection.

Its functions.

Vacancy in membership.

DD

Insolvency.

at any meeting of creditors, of which not less than seven days' notice has been given stating the object of the meeting. On a vacancy occurring in the office of a member of the committee, the trustee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may by resolution appoint another creditor or other person eligible as above to fill the vacancy. The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five. If there be no committee of inspection, any act or thing, or any direction or permission by this Law authorised or required to be done or given by the committee, may be done or given by the Master on the application of the trustee.

If there be no committee of inspection Master to act.

Privileges and liabilities of a private creditor to apply to partners of a creditor company or to person administering another estate.

31. Every privilege and power given by this Law to any creditor in respect of any debt due to him individually by any insolvent and every liability or penalty imposed by this Law on any such creditor shall be and is hereby declared to be given to and imposed on the partner or partners of any company in respect of any debt due to such company by any insolvent and to be given to and imposed on every person legally vested with the administration of the estate of any person deceased or of any person legally or actually incapable of the administration of his estate situated within this Colony in respect of any debt due to such estate by any insolvent.

Notice of meeting where assets of estate are less than £75.

32. If it shall appear to the Master before causing notice to be given summoning the first meeting that the goods and effects of the insolvent available for the payment of his debts are not of the value of seventy-five pounds sterling he shall specify the same in the said advertisement and notice, and shall therein also give notice that unless it shall be shown at the first meeting called as aforesaid that the goods and effects of the insolvent exceed the value of seventy-five pounds sterling, the Master or Resident Magistrate holding such meeting will summarily proceed to rank the debts which shall be proved at such meeting according to their respective preferences and to direct the proceeds of the insolvent estate to be forthwith distributed accordingly by a trustee to be then elected by the majority in value of the creditors attending at such meeting; and in such case the said insolvent shall at such first meeting attend before the creditors to account for his insolvency and shall being thereunto required do and perform thereat all such other matters and things as are required to be done and performed by him at any meeting of creditors under the provisions of this Law. And if at the said first meeting, which meeting may be adjourned from time to time, if the said Master or Resident Magistrate shall deem it necessary to adjourn the same, it shall still appear to the said Master or Resident Magistrate as the case may be before whom the same is holden that the available assets of the said estate do not exceed the amount of seventy-five pounds sterling it shall and may be lawful for the said Master or Resident Magistrate to

Attendance of insolvent.

Proceedings at such meeting.

Insolvency.

rank the creditors who shall prove their debts at such meeting according to the legal order of their preference and for the creditors to elect a trustee for the collection, administration, and distribution of the estate of the said insolvent according to the order of ranking and to direct the said trustee forthwith to collect, administer and distribute the same accordingly, and further at the said first meeting the said Master or Resident Magistrate shall and may respectively execute all the powers and authority which may be executed by them at any meeting of creditors under the provisions of this Law, and shall also do and perform thereat all matters and things required to be done for the final settlement of the said estate; and the creditors present at the said first meeting shall then determine what part of the wearing apparel, bedding, household furniture and tools of trade of the insolvent shall be excepted from the sale of his movable property and shall be allowed to him, and shall also give to the said trustee such directions as to the management of the said estate as to them shall seem fit, and no other meeting shall be thereafter holden unless upon cause shown to the said Master by any trustee or creditor of the said estate the said Master shall think fit to order the same: Provided that the Master may in any case where the creditors attending any such first meeting or adjournment thereof in any such estate where the assets do not exceed seventy-five pounds sterling, fail to elect any trustee as aforesaid, nominate and appoint some fit and proper person willing to act to be such trustee.

33. The insolvent debtor shall be bound, unless authorised in writing by the Master or Resident Magistrate, as the case may be, not to attend, or unless prevented by sickness or other sufficient cause, to attend the first, second, and third meetings, or any adjournment of either of them in his estate, and also to attend such further and other meetings as he may be required to attend by the Master or Resident Magistrate before whom such meeting is to be held; the insolvent debtor shall at every meeting of creditors which he shall attend answer all such lawful questions as shall be put to him by the Master or other officers presiding at such meeting, or by the trustee of his estate or any creditor thereof who has proved his claim, and shall give all such information as the meeting may require. The insolvent debtor shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the Master or trustee, execute such documents, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the Master or trustee or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the Master, trustee, or any creditor or person interested. He shall aid to the utmost of his power in the realisation of his property and the distribution of the proceeds among his creditors. If an insolvent debtor wilfully fails to perform the duties

Election of trustee.

Preservation to insolvent of wearing apparel, tools, &c.

No further meeting to be held.

In default of election by creditors, Master may appoint trustee.

Attendance of insolvent at meetings.

His duties.

Insolvency.

Penalties for default.

imposed on him by this section, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Law, which is for the time being in his possession or under his control, to the Master or to the trustee, or to any person authorised by the Court to take possession of it, he shall in addition to any other punishment to which he may be subject under the provisions of this Law or otherwise, be guilty of a contempt of Court, and may be punished accordingly.

Set-off in case of mutual dealings.

34. Where there have been mutual credits, mutual debts, or other mutual dealings between a debtor against whom an order of sequestration shall be made under this Law, and any other person proving or claiming to prove a debt under such sequestration, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account and no more shall be claimed or paid on either side respectively, but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of insolvency committed by the debtor and available against him.

Demands for unliquidated damages not provable, except as specified. Debt contracted subsequent to notice of act of insolvency not provable.

35. Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or breach of trust shall not be provable in insolvency. A person having notice of any act of insolvency against the debtor shall not prove under the order for any debt or liability contracted by the insolvent debtor subsequently to the date of his so having notice. Save as aforesaid all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the order of sequestration, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the order of sequestration, shall be deemed to be debts provable in insolvency. An estimate shall be made by the trustee of the value of any debt or liability provable as aforesaid, which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value. Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Supreme Court. If in the opinion of the Court the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Law, be deemed to be a debt not provable in insolvency. If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself without the intervention of a jury, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in insolvency. Liability shall, for the purposes of this Law, include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement,

All other debts provable.

Valuation uncertain debt.

What is included under the term liability.

Insolvency.

or undertaking, whether the breach does or does not occur, or is or is not likely to occur, or capable of occurring, before the discharge of the debtor; and generally, it shall include any express or implied engagement, agreement, or undertaking to pay, or capable of resulting in payment of money or money's worth, whether the payment is as respects amount fixed or unliquidated, as respects time, present or future, certain or dependent, or any one contingency, or on two or more contingencies, as to mode of valuation capable of being ascertained by fixed rules or as matter of opinion.

36. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

Mode of proof,
vide Schedule 2.

37. No person whose debt depends upon a contingency or an uncertain condition, shall be entitled to petition or join in the petition for sequestration of any estate, or to vote in the choice of trustee, or of any of the other proceedings herein specified, so long as the contingency shall not happen or the condition shall not be performed: Provided always, that the creditor in any such debt, contracted before the order for sequestration shall have been made, may, if he think fit, while the contingency or condition upon which such debt depends shall not have happened, or shall not have been performed, apply to the trustees to set a value upon such debt; and the trustee is hereby required to ascertain the value thereof, and to admit such creditor to prove the amount so ascertained; and such creditor shall thereafter be entitled to vote, and to receive dividends or payment, as in respect of a debt of the value of the amount so ascertained; but whether such value shall or shall not be so ascertained, before the contingency shall have happened, or the condition shall have been performed, such creditor may, whenever such contingency shall have happened, or such condition shall have been performed, prove in respect of his whole debt, and receive dividends or payments thereon with the other creditors: Provided always, that when the creditor in any such debt or claim, the contingency of which shall not have happened, or the condition of which shall not have been performed, and the value of which shall not have been ascertained as aforesaid, shall enter a claim on the estate in respect of such debt, the trustee shall rank the claimant as if the contingency had happened, or the condition had been performed, and shall forthwith apply to the Supreme Court to make an order, and the said Court shall make such order, for securing the dividend or sum which the claimant would be entitled to draw, until the contingency or condition upon which the debt depends shall happen or be performed, or until it shall have become certain that such contingency or condition shall never happen or be performed, when the sum so secured shall be paid to the claimant, or to the other creditors, as the case may be; and any interest which may in the meantime arise and be received thereupon shall belong to, and be paid to, the other creditors; and provided also, that the holder of any such contingent debt or claim of which the value shall not have been ascertained,

As to proof of
debts upon a
contingency or
condition valued
by trustee, or
after the event,
and how divi-
dend to be
secured.

Insolvency.

and who has been ranked as a claimant, as if the contingency had happened or the condition been performed, shall, for the purpose of agreeing to or dissenting from any offer of composition, be deemed and taken to be creditor for whatever sum the Master of the Supreme Court shall, under the circumstances of the said debt, fix and allow, subject to appeal from his decision to the Supreme Court.

As to securing
to claimant's
debts which may
eventually be
established.

38. When by reason of the absence of any person from this Colony, or for any other cause appearing to the Supreme Court, the said Court shall be of opinion, that a claimant, who has not proved a debt to the satisfaction of the Court, may eventually be able to establish the same, it shall and may be lawful for the said Court to allow such claim to be entered on the proceedings in the insolvent estate and to give reasonable time for proving the same : and in the meantime to make such order for securing the amount thereof, in case the said claim shall be afterwards established, as the said Court shall see fit.

Mode of ranking
creditors of joint
and separate
estates.

39. In every case in which it shall happen that the estate of any company, and the estate or estates of any one or more partners of such company, shall be concurrently under administration as insolvent, the creditors of the said company shall prove their debts against, and rank upon, the estate of the company, and the creditors of each partner, in respect of debts due by such partner, separately from the other partners, shall prove their debts against, and rank upon, the estate belonging to their debtor, separately from the other partners, and the estate of the company shall be first applied in satisfaction of the separate creditors of that estate ; and if the estate of the company shall prove insufficient to satisfy the creditors of the company, or if there be no such estate, then each creditor of the company shall rank upon the surplus of each separate estate, which may remain after satisfying the separate creditors of that estate, either by the residue or entire of his debt, as the case may be, but so, however, as not to receive in all more than the whole of their debts respectively ; and if the separate estate of any partner shall prove insufficient to satisfy the separate creditors who have claimed upon it, then the separate creditors upon that separate estate shall rank upon the surplus, if any, of the company's estate, which shall remain after satisfying the creditors of that estate in proportion to the share in such surplus belonging to or claimable in right of the particular partner whose separate estate has so as aforesaid proved deficient ; and whenever the company's estate shall prove insufficient to satisfy the company's creditors, and the latter shall thereupon receive satisfaction, wholly or in part, out of the surplus of the separate estate of any of the partners of such company, the trustee of the separate estate so satisfying, wholly or in part, any of the creditors of the company, shall be entitled to rank upon the separate estate of any other partner of such company, for amount of whatever the contribution in respect of the debts of the company, wholly or in part discharged, such trustee may, by law, be authorised to claim : Provided, however, that no partner, if insolvent, and no trustee of the insolvent estate of any partner,

Insolvency.

shall, under any circumstances, rank for the amount of any such claim for contribution, upon the insolvent estate of any other partner, in competition or concurrence with any of the creditors of the company, claiming upon any such last-mentioned estate, which creditors are hereby declared to be entitled to be paid, in preference and priority to any such partner or trustee; and provided, also, that nothing herein contained shall be construed so as to abridge or affect the rights which the creditors of any insolvent company may, by law, possess to seek satisfaction for their debts from any partner or such company whose estate shall not have been sequestrated or to abridge or affect the rights which any such solvent partner may, by law, possess, in regard either to the insolvent estate of the company, or to that of any of his partners, whose estate may have been sequestrated.

40. In every case in which the separate estate of any partner of a company shall be sequestrated as insolvent, and whether the estate of such company shall also be, or have been, sequestrated or not, any creditor to whom the insolvent is indebted, jointly with the other partner or partners of the company, shall be entitled to prove his debt under the sequestration of such separate estate, for the purpose of voting in the election of trustees, and of agreeing to, or dissenting from, any offer of composition, but no further; and such creditor shall not receive any dividend out of the separate estate of the insolvent, until all the separate creditors shall have received the full amount of their respective debts; unless such creditor have been a petitioning creditor, in regard to the sequestration of such separate estate, in which case such creditor may vote, and receive dividends in respect of his debt, in the same manner as the separate creditor of such estate.

Joint creditor may prove on separate estate for certain purposes.

41. In every case not hereinbefore expressly provided for, and relating to the ranking and priority of the joint creditors of any company, in competition with the separate creditors of any of the partners of such company, or relating to the reciprocal claims of any such insolvent estates, in reference to, or in relief of, each other, the rule, for the time being, in respect of the like case, according to the law and administration of bankruptcy in England for the time being shall first be resorted to, and failing any such rule, the common Law of the Colony shall be applied.

English rule regarding joint and separate creditors to govern cases not provided for.

42. Any debt which was due, or the cause of which arose prior to the order for sequestration of any estate, may be proved at any meeting of the creditors appointed before the Master or a Resident Magistrate, at any time before the final distribution of the estate; and any creditor may, after the third meeting called in manner hereinbefore provided, at his own expense, call such meeting expressly for the purpose of proving his debt: Provided always, that when any debt is so proved, after any dividend has been paid to the creditors, such dividend shall not, in any way, be distributed or affected by, or in respect of, any such debt; and provided also, that when any such debt is proved after the plan of distribution of such estate has been confirmed, and in consequence of the proof of such debt, any alteration in such plan of dis-

Within what time and before whom debts are provable, and effect thereof.

Insolvency.

tribution, or any further proceedings in the sequestration shall be rendered necessary, the creditor proving such debt shall be liable for all expenses which may be incurred in consequence of any such alteration or proceedings.

Voting by agent
or proxy.

43. In all cases where, under the provisions of this Law, the creditors of any insolvent estate are required or entitled to meet and to vote in any matter regarding such estate, any creditor so entitled may attend and vote at such meeting personally, or by agent, authorised by any proxy or power of attorney to that effect duly executed, upon proof thereof to the satisfaction of the Master of the Supreme Court, Resident Magistrate, or other person presiding at such meeting; and all questions at any meeting of creditors shall be determined by a majority in value of those present and entitled to vote.

Question to be
decided by the
majority of cre-
ditors in value
at meeting.

As to choice of
trustees, and how
and when to be
brought under
review of Court,
and if fraudu-
lently made.

44. At the first meeting called as aforesaid, or any adjournment thereof (if the said Master or Resident Magistrate shall find it necessary to adjourn the same, which they are hereby authorised and empowered to do), a trustee, or trustees, not exceeding two in number, shall be chosen for the collection, administration, and distribution of the insolvent estate and effects. The creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee, or failing to give security, or not being approved of by the Supreme Court; and all creditors who have proved debts against the insolvent estate shall be entitled to vote in such choice; and creditors holding any preferable security or lien shall vote in manner and form herein provided and the choice shall be made by the votes of the majority in value of the creditors, or their agents present and entitled to vote: Provided, however, that it shall be competent to any person interested in any such insolvent estate, or the due administration thereof, and who shall complain of any such election, upon giving within two days after the said election a notice in writing of the particulars of such complaint to the said Master, or Resident Magistrate, as the case may be, at any time before the election is confirmed, in manner hereinafter mentioned, to bring the same under review of the Supreme Court, who shall, summarily or otherwise, as such Court shall see fit, decide and make such order thereon as the justice of the case may require: Provided always, that it shall be lawful for any person interested in the due administration of the estate, at any time after the confirmation, to apply to the Court to recall the confirmation, and set aside the election, on the ground that such election was fraudulently or unduly made: Provided, however, that the said trustees shall give security to the satisfaction of the Master of the Supreme Court before they enter on the office of trustee for the due administration and distribution of the estate of which they have been elected trustees, and the said Master, when satisfied with such security, shall certify that the appointment has been duly made, and submit the name of such trustee or trustees for confirmation, unless the Master objects to the appointment on the ground that it has not been made in good faith by

Security to be
given by trust-
ees.

Insolvency.

a majority in value of the creditors voting, or that the person appointed is not fit to act as trustee, or that his connection with, or relation to, the insolvent debtor, or his estate, or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally. If any trustee shall fail to give such security within fourteen days after the date of his election his election shall be void, and the Master shall thereupon call a meeting of creditors and take all such steps as are requisite and necessary under the provisions of this Law for the election of a new trustee. As soon as the trustee elected by the creditors shall have accepted his office it shall and may be lawful for the Supreme or any Circuit Court or any Judge thereof respectively upon the report of the Master to make a decree confirming the appointment of such trustee or deciding on the validity of such objections to refuse to confirm the same. If a trustee is not appointed by the creditors at the first meeting or any adjournment thereof in the insolvent estate, or if the election of a trustee by the creditors is not confirmed by the Court or Judge, and the creditors omit to elect a trustee at such further or other meeting summoned for the purpose of appointing a trustee, the Master shall appoint some fit person, subject to the confirmation of the Court or Judge, to be trustee of the insolvent's property : Provided that the creditors may at any subsequent time, if they think fit, appoint a trustee, and on the appointment being made, certified, and confirmed, the person so appointed shall become trustee in the place of the person appointed by the Master.

45. In no case shall it be competent for the creditors to elect as trustee the insolvent himself, or any person related to the insolvent, by consanguinity or affinity within the fourth degree, nor any minor, nor any person who, having had his estate, at any time, placed under sequestration, shall not have obtained the sequestration to be superseded, or who shall not have been rehabilitated under the provisions of the law in force within this Colony ; nor any person, not resident within the jurisdiction of the Supreme Court, nor any person having an interest opposed to the general interest of the creditors in the insolvent estate, nor any person declared to be incapable of being elected by virtue of the provisions in the next succeeding section contained.

46. If any person elected a trustee shall be proved, to the satisfaction of the Supreme Court, or of any Circuit Court holden for the District in which the election of trustee was had, to have procured, or been privy to the omission from the schedule of the insolvent, of the name of any creditor of the insolvent, with intent thereby to obtain some peculiar advantage in regard to the election of trustee, or to have, either directly or indirectly, given, or promised to give, to any creditor of the insolvent, any species or valuable consideration whatsoever, in order to obtain the vote of such creditor at the election of trustee, or to have agreed to secure and make good to any creditor some certain sum or dividend, in discharge or diminution of his debt, upon condition or in order that such creditor should give his vote to such trustee ;

Who incompetent to be appointed trustee.

Acts of trustee entitling the Court to set election aside, and declare offender disqualified.

Insolvency.

or to have offered or agreed, in case any creditor of the insolvent should consent to vote for such trustee, to abstain from opening up, or investigating, some previous transactions between such creditor and the insolvent, which were, or were supposed to be, of questionable validity, or to have contrived, or been privy to, any plan or arrangement by which debts or securities, really belonging to some one or more persons, have been divided amongst a greater number of persons, for the purpose merely of increasing the number of votes at the election for trustee, and thereby influencing the same, or to have undertaken to share with any creditor or creditors of the insolvent, in return for his or their votes, the commission or remuneration to be awarded to him as such trustee; then such Supreme or Circuit Court as aforesaid, shall whether before or after the decree confirming the appointment of such trustee, declare such trustee to have forfeited the office of such trustee, in regard to the insolvent estate for which he shall have been elected, and to be incapable of being again elected thereto; and it shall and may be lawful for such Court, if it should so think fit, to further declare that the person so offending shall be incapable of being elected a trustee under the provisions of this Law, for and during his natural life, or such period as such Court shall determine and adjudge; and any person interested in the due administration of the insolvent estate, may apply, by motion, to such Supreme or Circuit Court as aforesaid; either before or after the decree confirming the appointment of any trustee, to declare any such trustee to have forfeited his office by reason of any such misconduct as aforesaid; and as often as a vacancy in the office of trustee shall be created by any such forfeiture, the Court declaring the same shall order a new trustee to be elected, and the same proceedings shall be had thereon as on the original election of trustee.

Appointment of
provisional trustee.

47. It shall and may be lawful for the Supreme Court, or for any Judge thereof on circuit, and whether sitting in any Circuit Court or not, on cause shown by the Master of the said Court, or any person interested in the due administration of the insolvent estate, and if satisfied that the nature of the debtor's estate or business, or the interests of the creditors generally require the appointment by order of Court, to appoint one or more fit person or persons to be trustee or trustees of any insolvent estate provisionally, and until the creditors of the said estate shall make choice of a trustee; which trustee or trustees may be removed at the meeting of creditors for the choice of a trustee, if the said creditors shall think fit, but shall and may, until so removed, act in the collection, administration, and distribution of the said estate, in all respects, the same as trustees elected by the creditors are, by this Law, authorised or required to do: Provided, however, that no such trustee or trustees shall proceed to make sale of any part of the said estate without the authority for that purpose of the Supreme Court, or to some Judge thereof, or of some Circuit Court, or of the Master of the Supreme Court, first had and obtained.

Provision as to sale
of estate.

Insolvency.

48. A provisional trustee may, with the authority of the Court or Judge appointing him, or the trustee elected by the creditors may, acting under the instructions of the creditors, carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same.

Carrying-on of insolvent's business by trustee.

49. All trustees, so appointed by the Court, or elected by the creditors, shall receive and be paid, out of the assets of the said estate, a reasonable compensation for their care and diligence in the said trust, to be assessed by the Master of the said Court, subject to the review of the said Court, upon the petition of any creditor, or of the said trustees, or of any person having any interest in the said estate. A commission of two and a half per centum on the proceeds of all immovable property realised, and five per centum on the proceeds of all movable property realised, shall be deemed reasonable compensation, but such rates may be increased or reduced by the Supreme Court in any estate upon sufficient cause to them appearing. Where a trustee receives remuneration for his services as such, no payment shall be allowed in his accounts in respect of the performance by any other person of the ordinary duties which are required to be performed by himself.

Remuneration of trustees.

50. All bills and charges of attorneys and solicitors shall be taxed by the Master of the Supreme Court, and no payments in respect thereof shall be allowed in the trustee's accounts without proof of such taxation having been made. Every such attorney or solicitor shall on request by the trustee (which request the trustee shall make a sufficient time before framing any account or plan of distribution) deliver his bill of costs or charges to the proper officer for taxation, and, if he fails to do so within fourteen days after receipt of the request, or such further time as the Court on application may grant, the trustee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the trustee personally as against the estate.

Taxation of attorneys' or solicitors' costs.

51. Every order made for placing any estate under sequestration as insolvent, shall, so soon as made, have the effect, in law, to divest the insolvent, and all persons administering the whole, or any part, of his estate for his use and behoof, and to vest in the Master of the Supreme Court, for the uses and purposes of the sequestration, all the present and future estate, movable and immovable, personal and real, and every right, title, and interest in and to any property, movable or immovable, personal or real, wheresoever the same may be known or found, which shall belong or be due to such insolvent at the date of making such order, or as to which any right or reversion shall then be vested in him, or which may thereafter be purchased or acquired by, or may revert, descend, or be devised, or come, to the insolvent, at any time before the making of the order of Court allowing and confirming, as hereinafter mentioned, the account and plan of distribution to be framed by the trustees (except as in the 55th section is excepted), together with all deeds, vouchers, papers, or writings respecting the same, and after the said order for sequestration has been made, neither the insolvent, nor any person claiming

Effect of order for sequestration upon estate of insolvent.

Insolvency.

through or under him, shall have power to alienate, give, code, deliver, mortgage, pledge, or recover, or to release or discharge the same, or any part thereof; neither shall the same be attached by any person as the property of, or belonging to, the insolvent.

Effect of order of Court appointing provisional trustee.

52. Every order of Court appointing any provisional trustee, or trustees, shall, so soon as made, have the effect in law, to divest the Master of the Supreme Court, and to vest, in such provisional trustee, or trustees, for the uses and purposes of the sequestration, and until their removal, or until the making of the order of Court, allowing and confirming, as hereinafter mentioned, the account and plan of distribution (whichever shall first happen), all the present and future estates of the insolvent, as fully and completely, to all intents and purpose, as the said estate is, by virtue of the next succeeding section of this Law, vested in the trustee, or trustees, elected by the creditors, by the decree of the Court confirming the appointment of the same. And whenever any provisional trustee, or trustees, shall die, or be removed, before the making of the decree aforesaid, for confirming the appointment of any trustee, or trustees, elected by the creditors, then the whole present and future estate of the insolvent for the time being, shall vest again in the said Master, precisely as if the same had never been divested.

Death or removal of a provisional trustee.

Effect of decree for confirmation of trustee.

53. Every decree made known as herein directed, for confirming any trustee, or trustees, shall, so soon as made, have the effect, in law, to divest the Master of the Supreme Court, or any provisional trustee, and to vest in the trustee, or trustees, thereby confirmed, for the uses and purposes of the sequestration, and so long as such trustee, or trustees, shall continue to hold their office, all the present and future estate, movable and immovable, personal or real, which shall have belonged, or been due, to such insolvent, at the time when the order for placing his estate under sequestration was made, or as to which any right of reversion shall then be vested in him, or which may thereafter be purchased, or acquired by, or may revert, descend, or be devised, or come to the insolvent, during the continuance of the sequestration, and before the making of the order of Court allowing and confirming the account and plan of distribution, as herein-after provided, wheresoever the same may be found or known (except as in the 55th section is excepted), together with all deeds, vouchers, papers, or writings respecting the same; and the said trustee or trustees shall have the like remedy to recover the said estate of the insolvent, or any part thereof, in their own names, for the purposes of the sequestration, as the insolvent himself might have had if his estate had not been sequestered; and all powers vested in any insolvent at the time the order for placing his estate under sequestration was made, or which may thereafter become vested during the continuance of the sequestration, and before the making of the said order, allowing and confirming the account and plan aforesaid, which such insolvent might have legally executed for his benefit, shall, after the said order for placing his estate under sequestration, and until an order of Court, appointing a provisional trustee or trustees, or until a decree be made for confirming the appointment of

Insolvency.

a trustee or trustees, elected by the creditors, be executed by the Master of the Supreme Court, and may, after such order appointing a provisional trustee or trustees, be executed by such provisional trustee or trustees until their removal, and may, after their removal, be executed by the said Master, until a decree be made for confirming the appointment of such trustee or trustees as aforesaid, and after such decree is made for confirming such appointment as aforesaid, may be executed by the trustee or trustees whose appointment is thereby confirmed, for the benefit of the creditors, in such manner as the insolvent might have executed the same, and the said insolvent is hereby declared to be incapable to exercise or execute any such power as aforesaid.

54. All goods being at the commencement of the insolvency in the possession, order, or disposition of the insolvent in his trade or business, by the consent or permission of the true owner, under such circumstances that he is the reputed owner thereof, shall be deemed to be the property of the insolvent, and shall vest in the Master of the Supreme Court, and on the appointment of a provisional trustee, or of the trustee, the property shall forthwith pass to and vest in the trustee appointed.

Reputed property of insolvent to be deemed his property.

55. During the time which shall intervene between the time of the making of the order for the sequestration of any insolvent estate, and the making of the order allowing and confirming the account and plan of distribution, as hereinafter provided, the insolvent, so long as he shall remain without his certificate, shall (except in the certain cases hereinafter excepted) be absolutely disqualified and incapacitated to acquire or possess as against the person in whom, for the time being, the insolvent estate shall by law be vested, any property, goods, or effects, movable or immovable, personal or real, or any right to any such property, goods, or effects; and shall in like manner be absolutely disqualified and incapacitated to cede, transfer, or convey, so as to bind the person in whom, for the time being, the insolvent estate shall by law be vested, any property, goods, or effects, or any debt, claim, or demand, or any bond, bill of exchange, promissory note, or other security for money, and as against or in question with such last-mentioned person, every such attempted cession, transfer, or conveyance shall be totally null and void. And no person who shall have sold and delivered upon credit any goods, wares, merchandise, or other matter or things, to any such insolvent, shall be entitled to reduce or set aside the sale, or to claim the amount of the purchase money from the person in whom the insolvent estate shall, for the time being, by law be vested, by reason merely that the said insolvent was, at the time of the contract of sale, so disqualified and incapacitated as aforesaid, or that the articles sold and delivered have been taken possession of by such person in whom the said estate was vested as aforesaid, for the benefit of the said estate. And no such insolvent shall be deemed or taken to have any power to bind any such last mentioned person, or the insolvent estate in him vested, by any sort or description of dealing, contract, or transaction whatsoever unless the same shall have been entered

Capacity of insolvent between order of sequestration account and plan of distribution.

Insolvency.

into by virtue of an authority to that effect from such person in writing : Provided always that nothing hereinafter contained shall be construed so as to prevent any such insolvent from passing a valid title by any such cession, transfer, or conveyance as aforesaid, while acting, so far as he shall be authorised in writing so to do, as the mandatory or agent of his trustee, or from acting as the mandatory or agent of any other person by whom such insolvent shall be authorised, in writing, so to act, and for whom he shall have been, in writing, permitted so to act by the person in whom, for the time being, the insolvent estate shall be vested : Provided also, that nothing herein contained shall be construed so as to prevent any insolvent, whether acting as such mandatory or agent as aforesaid, or not, from well and effectually passing title to any person whatever, by the delivering to him of any movable goods or effects which were next before such delivery in the actual possession of such insolvent, in pursuance of any real and *bona fide* purchase from such insolvent, for a just price duly paid, or to prevent any such insolvent from well and effectually passing title to any money paid by him in cash down for any matter or thing purchased by him at the time of such payment, or to prevent any such insolvent from receiving, suing for, and recovering, in his own name, and for his own personal and exclusive use, and free from the control of his trustee, the hire, wages, or reward of his work and labour, or that of any of his family, by him or them bestowed during the intervening time aforesaid, or any part thereof, or any damages claimable by reason of any personal wrong or injury done to such insolvent, or any member of his family ; and provided that whenever any property, goods, or effects, shall be proved by such insolvent to have been purchased or obtained by means of any moneys receivable or recoverable as aforesaid for his own personal use ; such property, goods, or effects shall also be free from the control of his trustee, in like manner as the moneys were by which they were purchased or obtained.

Actions by or
against trustees.

56. It shall and may be lawful for the trustees to take up and continue in their own names, the process in any action commenced for any debt or demand due to the estate, before their appointment, or to discontinue the same, as they shall see fit ; and also to commence any new suit or action in any competent Court for any debt or demand due to or affecting the estate of any insolvent person ; and also to defend any action brought against them, or pending against the insolvent, relating to or affecting the said estate.

Removal of
trustees and new
election.

57. It shall and may be lawful for the Supreme Court, or any Circuit Court, on cause shown by the Master of the Supreme Court, or by any person interested in the due administration of the insolvent estate, to remove any trustee or trustees for insolvency, or for any misconduct in the said trust, or on account of absence from this Colony ; and thereupon, and as often as any trustee shall die, or obtain leave from the said Court to resign, or shall become incapacitated, it shall and may be lawful for the said Court or any Judge thereof, to order a new trustee to be elected, and the same proceedings

Insolvency.

shall be had thereon as on the original election of trustees ; and it shall and may be lawful for the said Court, or any Judge thereof, in the meantime, to make such order as may be necessary or expedient for the preservation of the insolvent estate, until such new trustee shall be elected and confirmed.

58. Whenever, on the death or removal of any trustee, any new trustee shall be elected and confirmed in manner hereinbefore provided, the decree confirming the appointment of such new trustee shall have the effect in law to vest in the new trustee the whole insolvent estate, present or future, as hereinbefore particularly described, and every power, right, title, privilege, and remedy vested in, or competent to, the former trustee, as trustee, before his death or removal, as fully, and to the same extent, as the same was vested in the former trustee by the decree made for confirming his appointment, in manner aforesaid : Provided always, that the death or removal of any trustee shall not affect the validity or force of any lawful act done by him as trustee for the purposes of the sequestration, prior to his death or removal. And during any period of time which shall elapse between the death or removal of any trustee, and the making of the decree for confirming the election of the trustee confirmed in his place, and no longer, the whole of the then existing insolvent estate shall, except when, notwithstanding such death or removal, there shall remain in office one or more of the trustees of the said estate, be vested in the Master of the Supreme Court.

Effect of decree for confirmation of new trustee.

59. Whenever a trustee shall die, or a new trustee shall be chosen, no action relative to the insolvent estate shall be thereby abated ; but the Court in which any such action is depending may, upon the suggestion of such death or removal, or that a new trustee has been chosen and confirmed, allow the name of the surviving, or new trustee or trustees, to be substituted in the place of the former ; and the said action shall proceed as if such surviving or new trustee or trustees had originally commenced or defended the same.

Actions may be continued by new trustees.

60. Every trustee, on being confirmed, shall forthwith cause notice of the sequestration, and of his appointment, to be given by advertisement in the *Government Gazette*, and the Master of the Supreme Court shall cause notice of every order made for the removal of any trustee to be given by advertisement in the *Government Gazette*.

Notices by trustees of their appointment.

61. It shall and may be lawful for any trustee or trustees, at any time, to call a general meeting of the creditors, and to require their directions concerning the collection or sale of any part of the estate, or concerning any matter or question relating to the administration of the said estate, and the trustee or trustees shall call such meeting whenever they are thereto required by one-fourth of the creditors in value, who have produced and proved their claims ; and the said trustees shall pursue the directions of the greater part in value of the creditors attending such meeting : Provided always, that fourteen days' notice, at the least, shall be given of every such meeting, and of the purpose thereof, in the *Government Gazette*, and in a local paper, unless, in any particular case, the Master or Resident Magis-

As to trustees calling general meeting of creditors.

Insolvency.

trate shall authorise the trustee or trustees to call a meeting upon some shorter notice ; and provided also, that no such meeting shall be competent to direct the trustees to do anything calculated to interfere with, or injure, the just rights of any creditor who shall hold any preferable security or lien upon any part of the insolvent estate ; and in case any direction shall be given by any such meeting calculated to interfere with or injure such rights, such creditor may apply, by motion to the Supreme Court, to set aside such direction, and thereupon the said Court shall make such order in the premises as shall to justice appertain.

All meetings of creditors to be held before either Master or Resident Magistrate.

62. All meetings of creditors called by virtue of this Law, and appointed to be holden in Pietermaritzburg, shall take place before the Master of the Supreme Court ; and if appointed to be holden in any District of the Colony other than Pietermaritzburg, then before the Resident Magistrate of such District, or the person acting as such, who shall forthwith certify to the said Master the proceedings thereat.

Employment by trustees of attorneys.

63. It shall and may be lawful for the trustees to take legal advice on any legal question affecting the insolvent estate, or the administration thereof, and to employ an attorney for the conducting and defending of all actions and suits for or against the insolvent estate, and to charge against the insolvent estate all such fees as shall thereby be incurred, and shall be allowed upon taxation by the Master of the Supreme Court, subject to the review of the Supreme Court, upon the complaint of the attorney so employed, or of any person having an interest in the due administration of the estate under sequestration ; and when it shall be made to appear to the Supreme Court, that any attorney has improperly advised, commenced, conducted, or defended any such action or suit, or incurred any improper or unnecessary expense therein, with the purpose of thereby benefiting himself, and not with the *bona fide* purpose of thereby benefiting the insolvent estate, it shall and may be lawful for the said Court to order the whole or any part of the costs of such action be paid by such attorney, as the said Court shall see fit.

Allowance to insolvent.

64. It shall and may be lawful for the Master of the Supreme Court, and for any trustees, whether provisional or elected, respectively, to grant and allow to the insolvent, out of the assets of the insolvent estate, such moderate sum or sums as the said Master, or the said trustees, respectively, shall find to be indispensably necessary for the support of the insolvent and his family, pending the decision of the creditors in regard to such support ; and the said Master, and such trustees as aforesaid, may, if they shall, respectively, see fit, employ the insolvent, or any other person, in the gathering and preservation of any crops or produce, for any reasonable time necessary for the gathering and preservation thereof ; and also leave the said insolvent, or place any other person, in the charge of any property, manufactory, or concern, belonging to the insolvent estate, until the same shall be sold, disposed of, or wound up, and make to the said insolvent, or other person so employed, a reasonable allowance, per diem, for his labour ; provided that the amount of every such allowance, whether

Employment by trustees of insolvent about the estate.

Insolvency.

for support or labour, as the case may be, granted before the third meeting of creditors, shall be submitted to such meeting, which meeting shall have power to decide whether any such allowance shall be continued, and if so, for what length of time, and what shall be the amount thereof; and provided also, that every trustee who shall make any such allowance to an insolvent, except with the consent of the creditors assembled at such meeting as last aforesaid, or at some other meeting duly convened, shall forthwith report to the Master of the Supreme Court the amount and grounds of such allowance; and provided, that every such allowance made by any trustee, without the consent of the creditors, shall be subject to the review of the Supreme Court, upon the application of the said Master, or of any person interested in the due administration of the insolvent estate.

65. At the first meeting in any insolvent estate there shall be an examination of the debtor as to his conduct, dealings, and property, and such examination may from time to time be adjourned. Any creditor who has tendered a proof, or his representative authorised in writing may question the debtor concerning his affairs and the causes of his failure. The Master or Resident Magistrate, as the case may be, shall take part in the examination of the insolvent debtor, and may put such questions to the debtor as he may think expedient. The trustee may take part therein, and for the purpose thereof may employ a solicitor. The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Master or Resident Magistrate may put or allow to be put to him. Notes of the examination shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all reasonable times. On every examination of any insolvent, or on any adjournment thereof before the Master or Resident Magistrate, such Master or Resident Magistrate may in his discretion, at the instance of the trustee, any creditor of the insolvent debtor, or the insolvent debtor himself, issue a summons for and compel the attendance of any witness so required to attend any such examination.

Examination of
debtor at first
meeting.

Attendance of
witnesses.

66. The Supreme or any Circuit Court, upon the application of the trustee, may in his discretion summon any insolvent debtor before the Supreme or any Circuit Court or any Commissioner of the Supreme Court on a day to be appointed by the Court for the public examination of the debtor, and the debtor, whether he has obtained his order of rehabilitation or discharge, or not, shall attend thereat, and shall be examined as to his conduct, dealings, and property. The said Court or Commissioner may adjourn the examination from time to time. Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor concerning his affairs and the causes of his failure. The trustee shall take part in the examination of the debtor, and for the purpose thereof, may employ a solicitor with or without counsel. The Court may put such questions to the debtor as it may think expedient. The debtor shall be examined upon oath, and it shall be his duty to answer all such

Public exami-
nation before
Supreme or Cir-
cuit Court or a
Commissioner.

EE

Insolvency.

questions as the Court may put, or allow to be put to him. Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him. They shall also be open to the inspection of any creditor at all reasonable times. When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall by order, declare that his examination is concluded.

Arrest of debtor and seizure of goods under certain circumstances.

67. The Court may, by warrant, addressed to the Sheriff, or his lawful deputy, cause a debtor to be arrested, and any books, papers, money, and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:—If, after the filing of a debtor's or the presentation of a creditor's petition by or against him it appears to the Court that there is probable reason for believing that he is about to abscond with a view of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying, or embarrassing proceedings in insolvency against him. If, after the filing of a debtor's or the presentation of a creditor's petition by or against him it appears to the Court that there is probable cause for believing that he is about to remove his goods with a view of preventing or delaying possession being taken of them by the Master or trustee, or that there is probable ground for believing that he has concealed, or is about to conceal or destroy any of his goods, or any books, documents, or writings which might be of use to his creditors in the course of his insolvency. If at any time after presentation of a creditor's petition, or the filing of a debtor's petition, he removes any goods in his possession above the value of five pounds without the leave of the Master or trustee. If, without good cause shown, he fails to attend any examination ordered by the Court.

In what cases the insolvent under examination may be committed.

68. If any insolvent shall, at the first meeting of his creditors, or any adjournment thereof held as aforesaid, being thereunto required, refuse to lodge a true inventory of his estate and effects, or to surrender his books, papers, writings, documents, bills, or vouchers, relative to his estate as aforesaid, or shall, at his examination before any Court or Commissioner before mentioned, or any meeting of creditors which he shall attend as aforesaid, refuse to be sworn, or shall refuse to answer any lawful questions put to him by such Court or Commissioner, or by the said Master or Resident Magistrate, or the trustee, or any creditor or other person, touching the matters aforesaid, or shall refuse to sign or subscribe his examination, so reduced into writing as aforesaid (not having any lawful objection to so doing), it shall be lawful for such Court or Commissioner, or for such Master, or such Resident Magistrate, by warrant under his hand, to commit him to such prison, as they shall think fit, there to remain without bail until he submit to do the matters aforesaid, or to be sworn, or make answer to such lawful questions as shall by them be put to him, or sign and subscribe such examination as aforesaid.

Insolvency.

69. After surrender or adjudication of sequestration of any estate as insolvent, it shall and may be lawful for the Supreme Court or any Circuit Court, upon the application of the trustee, or trustees, to summon before the said Court or any Circuit Court, or any Commissioner of the Supreme Court, the wife of the insolvent, or any person known or suspected to have in possession any of the estate of the insolvent, or to be indebted to the insolvent, or any person whom the said Court may see reason to believe capable of giving information concerning the person, trade, dealing, or estate of such insolvent, or any information material to the full disclosure thereof; and also to require such person to produce any books, papers, deeds, writings, or other documents, in his or her custody, which may appear to the said Court necessary to the verification or disclosure of any of the matters aforesaid; and it shall and may be lawful for the said Supreme Court, or Circuit Court, or Commissioner, to examine every such person, upon oath, concerning the person, trade, dealings, or estate of such insolvent, and to cause his or her examination to be reduced to writing, and signed by him or her, and annexed to the said proceedings; and if any such person shall, upon being lawfully summoned to appear to be examined, fail so to appear (having no lawful impediment made known to the Court, or Commissioner, before whom such person is summoned at such times, and allowed by them), it shall be lawful for such Court, or for such Commissioner under his hand, to grant warrant authorising and directing any officer of the law, or other person, to apprehend the person so summoned and failing to appear, and to bring the said person before such Court or Commissioner, or to lodge the said person in any prison, therein to be detained until the time which such Court or Commissioner shall, on the application of the trustee or trustees, have appointed anew for his or her examination; and the gaoler of any such prison shall cause such person to be brought before such Court or Commissioner at the time and place specified in such warrant. And if any such person so summoned, or brought before such Court or Commissioner for examination, shall refuse to be sworn, or shall refuse to answer any lawful question put by such Court or Commissioner, touching any of the matters aforesaid, or shall refuse to sign his or her examination so reduced into writing as aforesaid (not having any lawful objection allowed by such Court or Commissioner) or shall not, being thereunto required, produce any books, papers, deeds, writings, or other documents, in his or her custody or power, relating to any of the matters aforesaid, and to the production of which he or she shall not state any objection allowed by them, it shall be lawful for such Court, or for such Commissioner, by warrant under his hand, to commit him to such prison as they shall think fit, there to remain without bail, until such person shall submit to be sworn, or make answers to all such lawful questions as shall by such Court or Commissioner be put, or sign such examination, or produce such books, papers, deeds, writings, or other documents, as aforesaid, in his or her custody or power, to the production of which no such objection as aforesaid shall be allowed,

Wife and any person may be summoned for examination before Court or Commissioner.

Apprehension on refusing to appear.

And in what case liable to be committed.

Insolvency.

If indebtedness to the debtor or possession of debtor's property be admitted, Court or Commissioner may order payment or delivery to trustee.

70. If any person on examination before the Court or Commissioner admits that he is indebted to the debtor, the Court may, on the application on motion of the trustee, order him to pay to the trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, and with or without costs. If any person on examination before the Court or Commissioner admits that he has in his possession any property belonging to the debtor the Court may, on the application on motion of the trustee, order him to deliver to the trustee such property or any part thereof, at such time and in such manner, and on such terms, as to the Court may seem just.

Expenses to be tendered to persons summoned.

71. The insolvent and every other person summoned before the Supreme Court, or Circuit Court, or any Commissioner, by order of the said Court to be examined or give evidence, or make disclosure of the trade, dealings, estate, or effects of any insolvent, under or by virtue of this Law, shall have his necessary expenses tendered to him by the trustee or trustees of such insolvent estate, in like manner as is by law required upon service of a subpoena to a witness in any civil suit; and such necessary expenses shall also be tendered to every insolvent who is required by any notice in writing signed by the Master of the Supreme Court, or by any Resident Magistrate, to attend any meeting of creditors other than the first, second, and third meetings as aforesaid, or some adjournment thereof.

Insolvent swearing falsely guilty of the crime of perjury.

72. Every insolvent or other person sworn by or before any Court or Commissioner, or by the Master of the Supreme Court, or by any Resident Magistrate, by virtue of any of the provisions of this Law, who shall wilfully make any false answer to any lawful question put by such Court, Commissioner, Master or Resident Magistrate, such person shall be deemed guilty of the crime of perjury, and on conviction thereof shall suffer any punishment provided by law for such crime.

As to discharge from prison by Court or Judge of person under commitment.

73. If any person whatsoever be committed by any Court or Commissioner, or by the said Master or by any Resident Magistrate, for refusing to answer, or not fully answering, any question put to him by them, they shall in their warrant of commitment, specify every such question; and if any person so committed as aforesaid, shall make any application to any Court or Judge, competent to entertain the same, in order to be discharged from such commitment, and there shall not appear to such Court or Judge any insufficiency or informality in the form of the warrant whereby such person was committed, by reason whereof he might be discharged, it shall be lawful for such Court or Judge, and such Court or Judge is hereby required, to re-commit such person to the same prison, there to remain until he shall conform as aforesaid; unless it be shown to such Court or Judge by the party committed, that he has fully answered all lawful questions put to him on his examination as aforesaid; or, if such person was committed for refusing to be sworn, or for not signing his examination unless it shall appear to such Court or Judge that he had a sufficient reason for the same: Provided also, that such Court or

Insolvency.

Judge shall, if required thereto by the party committed, consider the whole examination of such party, whereof any such question was a part ; and if it shall appear, from the whole examination, that the answer or answers of the party committed is or are satisfactory, such Court and Judge shall and may order the party so committed to be discharged.

74. In case any suit or action shall be instituted, or sought to be instituted, against the Master of the Supreme Court, or any Commissioner of the said Court, or any Resident Magistrate, by reason, or on account of, any commitment to prison of the insolvent or other person, the said Master, Commissioner, and Resident Magistrate shall respectively possess and enjoy, in reference to such action, and the process and proceedings therein, every right, privilege, and provision, and be subject to every liability which do, or shall by law, belong and pertain to suits or actions instituted, or sought to be instituted, against Justices of the Peace, for anything done by them in the execution of their office : Provided also, that the Court before which any action, founded upon a commitment for refusing to answer, or not fully answering, any question or questions put to the plaintiff, is tried, shall, if required thereto by the defendant, consider the whole examination of the plaintiff, whereof such question was, or such questions were, a part ; and if it shall, upon such consideration, appear to such Court that the plaintiff was lawfully committed, the defendant shall have the same benefit therefrom as if the whole of such examination had been set forth in the warrant of commitment.

Actions against Master or Magistrate to be subject to same provisions as actions against Justices of the Peace.

75. Any person against whom an order of sequestration has been granted, and any person whose affairs have been liquidated by arrangement by virtue of the provisions of this Law, shall in each of the cases following be deemed guilty of an offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding two years, with or without hard labour, that is to say—

Certain offences and penalties therefor.

1. If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors, all his property, real, and personal, and how, and to whom, and for what consideration, and when he disposed of any part thereof except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expenses of his family, unless the jury is satisfied that he had no intent to defraud :
2. If he does not deliver up to such trustee, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless the jury is satisfied that he had no intent to defraud :
3. If he does not deliver up to such trustee, or as he directs, all books, documents, papers, and writings in his custody,

Insolvency.

or under his control, relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud :

4. If, after the presentation of an insolvency petition by or against him, or the commencement of the liquidation, or within four months next before such presentation or commencement, he conceals any part of his property to the value of £10 or upwards, or conceals any debt due to or from him, unless the jury is satisfied that he had no intent to defraud :
5. If, after the presentation of an insolvency petition by or against him, or the commencement of the liquidation, or within four months next before such presentation or commencement, he fraudulently removes any part of his property of the value of ten pounds or upwards :
6. If he makes any material omission in any statement relating to his affairs, unless the jury is satisfied that he had no intention to defraud :
7. If, knowing or believing that a false debt has been proved by any person under the insolvency or liquidation, he fail for the period of a month to inform such trustee as aforesaid thereof :
8. If, after the presentation of an insolvency petition, by or against him, or the commencement of the liquidation, he prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law :
9. If, after the presentation of an insolvency petition by or against him, or the commencement of the liquidation, or within four months next before such presentation or commencement, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs, or to defeat the law :
10. If, after the presentation of an insolvency petition by or against him, or the commencement of the liquidation, or within four months next before such presentation or commencement, he makes, or is privy to the making of, any false entry in any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs, or to defeat the law :
11. If, after the presentation of an insolvency petition by or against him, or the commencement of the liquidation, or within four months next before such presentation or commencement, he fraudulently parts with, alters, or makes

Insolvency.

any omission, or is privy to the fraudulently parting with, altering, or making any omission in any document affecting or relating to his property or affairs :

12. If, after the presentation of an insolvency petition by or against him, or the commencement of the liquidation, or at any meeting of his creditors within four months next before such presentation or commencement, he attempts to account for any part of his property by fictitious losses or expenses :
13. If within four months next before the presentation of an insolvency petition by or against him, or the commencement of the liquidation, he, by any false representation or other fraud has obtained any property on credit, and has not paid for the same :
14. If, within four months next before the presentation of an insolvency petition by or against him, or the commencement of the liquidation, he, being a trader, obtains under the false pretence of carrying on business, and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the jury is satisfied that he had no intent to defraud :
15. If, within four months next before the presentation of an insolvency petition by or against him, or the commencement of the liquidation, he, being a trader, pawns, pledges, or disposes of otherwise than in the ordinary way of his trade, any property which he has obtained on credit, and has not paid for, unless the jury is satisfied that he had no intent to defraud :
16. If he is guilty of any false representation or other fraud, for the purpose of obtaining the consent of his creditors, or any of them, to any agreement with reference to his affairs, or his insolvency, or liquidation.

76. If any person, who is adjudged insolvent, or has his affairs liquidated by arrangement, after the presentation of an insolvency petition by or against him, or the commencement of the liquidation, or within four months before such presentation or commencement, quits Natal and takes with him, or attempts or makes preparation for quitting Natal, and for taking with him any part of his property to the amount of twenty pounds or upwards, which ought by law to be divided amongst his creditors, he shall (unless the jury is satisfied that he had no intent to defraud) be guilty of an offence punishable with imprisonment for a time not exceeding two years, with or without hard labour.

Penalty for insolvent quitting or attempting to quit Natal with property within a certain time.

77. Any person shall in each of the cases following be deemed guilty of an offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year, with or without hard labour, that is to say :

Certain other offences and penalties therefor

1. If in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud.

Insolvency.

2. If he has, with intent to defraud his creditors, or any of them, made or caused to be made any gift, delivery, or transfer of or any charge on his property.

8. If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

Penalty for false claim by creditor.

78. If any creditor in any insolvency or liquidation, by arrangement or composition with creditors, in pursuance of this Law, wilfully and with intent to defraud, makes any false claim, or any proof, declaration, or statement of account which is untrue in any material particular, he shall be guilty of an offence punishable with imprisonment not exceeding one year, with or without hard labour.

Restrictions upon insolvent entering into business.

79. An undischarged insolvent shall not, prior to the allowance and confirmation of the first account and plan of distribution, framed by the trustee of his estate, enter into any dealing or business, or take upon him the buying and selling of any goods, wares, or merchandise for himself without the authority, in writing, of the person, in whom the insolvent estate shall for the time being, by law, be vested, first had and obtained. Where an undischarged insolvent obtains credit to the extent of twenty pounds or upwards, from any person, without informing such person that he is an undischarged insolvent, he shall be guilty of an offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year, with or without hard labour.

Penalty for contravention.

Nature of trustee's right of prosecution.

80. Every trustee, and every creditor of or on the estate of any insolvent, shall, with regard to any of the offences set forth in the 75th section of this Law, have the same right of prosecution which any private person has by law, with regard to any offence committed against his person or property, and no other right: Provided always that no creditor or creditors shall be entitled to exercise any such right of prosecution for any such offence without first obtaining from the trustee and producing a certificate that the trustee declines to prosecute for that offence.

As to offence of knowingly receiving any fraudulent alienation, &c., from insolvent.

81. If any person shall receive or accept any alienation, transfer, gift, cession, delivery, mortgage, or pledge, made by any insolvent of any part of his estate or effects, with intent to defraud the creditors of the insolvent, knowing, at the time, the same to be fraudulently made, such person shall, on conviction thereof, suffer imprisonment, with or without hard labour, for any period not exceeding two years.

Offence of removing, embezzling, &c., any property under attachment.

82. If any person shall dispose of, remove, conceal, embezzle, or receive, any movable property belonging to any insolvent estate, which has been attached by virtue of any order for the sequestration thereof, or any movable property, which has been attached by process of any competent Court, knowing the same to have been so attached, and with intent to defeat the said attachment, such person shall, on conviction thereof, suffer imprisonment, with or without hard labour, for any period not exceeding five years.

Insolvency.

83. In all cases when, on the application of the Master of the Supreme Court, or any trustee, or trustees, of an insolvent estate, it shall, on oath, be made to appear, to the satisfaction of any Judge of the Supreme Court, or Resident Magistrate, or Justice of the Peace, that there is reason to suspect, or believe, that property of any insolvent is concealed in any house or other place, not belonging to the insolvent, it shall and may be lawful to the said Judge, Magistrate, or Justice of the Peace, to grant a warrant to search for and take the said property ; which warrant shall be executed in like manner as is by law allowed in execution of a search warrant for property reputed to be stolen and concealed ; and any property of the insolvent so found shall forthwith be delivered, if no trustee or trustees have hitherto been confirmed, to the Master of the Supreme Court, or otherwise to the trustee or trustees who have been confirmed, or to any person appointed by the said Master, or trustee or trustees, to receive the same.

Warrant for search for concealed property of any insolvent.

84. It shall be lawful for the Master of the Supreme Court, and he is hereby required, so soon as the trustee or trustees chosen at the first meeting of the creditors of any insolvent estate in manner aforesaid, have been confirmed, forthwith to appoint the second and third meetings of the creditors of the insolvent, to be holden before himself or any Resident Magistrate, at such time, and at such place as he shall deem most expedient for all parties concerned, for the purpose of receiving proof of debts, and for receiving the report of the trustee or trustees as to the condition of the insolvent estate, and for giving directions to the trustee or trustees as to the management thereof ; and the said trustee or trustees shall give notice of the time and place at which, and of the purposes for which, such meeting is to be held, in the same advertisement, in the *Government Gazette* and in a local newspaper, in which notice is hereinbefore required to be given by them to the creditors, of their confirmation as trustee or trustees.

Appointment and notification of second and third meetings.

85. It shall and may be lawful for the creditors of any insolvent estate, present at such third meeting as aforesaid, or at any other subsequent meeting, to elect, if they shall by a majority determine to do so, one Commissioner, who shall be either a creditor or the mandatory of a creditor, and the same proceedings shall take place, and the same regulations apply, in regard to his election, as are hereinbefore provided in regard to the election of the trustee, except that no decree of the Supreme Court, confirming his appointment, shall be necessary : Provided that no person shall be eligible to be a Commissioner who is disqualified to be a trustee, and provided that, after every such election of a Commissioner, the Master of the Supreme Court, or the Resident Magistrate, as the case may be, shall annex a record thereof to the proceedings in the insolvent estate ; and provided that the trustee shall, in all cases when a Commissioner has declined to act, or died, or resigned, or become incapacitated, call a meeting of creditors, for the purpose of electing, should they, by a majority, think proper so to do, a new Commissioner, and such new Commissioner shall be elected in the matter hereinbefore pro-

Choice of a Commissioner.

Insolvency.

vided : And provided, that no Commissioner shall be entitled to, or receive, any species of salary, commission, allowance, or remuneration whatever, from the insolvent estate, for his services as Commissioner ; and provided, that when the question of electing a Commissioner shall be sought to be submitted to any meeting of creditors other than the third meeting, a public notice of not less than fourteen days, shall be given in the *Government Gazette*, that such a question will be submitted to such meeting.

Duties and powers of Commissioner.

86. It shall and may be lawful for the said Commissioner when such shall be elected as aforesaid, to superintend the proceedings of the trustee, give his advice and assistance in the management of the estate, inquire, from time to time, into the situation thereof, and of every part thereof, examine all the accounts of the trustee regarding the said estate, require from the trustee all such reasonable explanation or information as he or they may, from time to time, demand touching any matter or thing belonging to the administration of the said estate, and assist the Master of the Supreme Court in assessing the compensation to be paid to the trustee.

Commissioner may call meetings.

87. It shall and may be lawful for the Commissioner to call, at any time, a general meeting of the creditors, and to make to such meeting such reports or representations, in regard to any matter or question respecting the administration of the insolvent estate as he shall deem necessary or expedient : and the trustee shall pursue the directions of the greater part of the creditors attending such meeting : Provided always, that fourteen days' notice, at the least, shall be given of every such meeting, and of the purpose thereof, in the *Government Gazette* and in a local paper.

Trustee neglecting to comply with lawful requirements of Commissioner, guilty of misconduct in his trust, and removable.

88. Any trustee who shall neglect, or refuse to give to any Commissioner any such information concerning the situation and administration of the insolvent estate, or any such insight into the accounts thereof, as the said Commissioner is, as aforesaid, authorised and empowered to demand and require, shall be deemed and taken to have misconducted himself in his trust, and may thereupon be removed in manner and form as hereinbefore provided, from the office of trustee.

Mode of calling in debts due to estate, and costs upon nonpayment.

89. The trustee or trustees shall, after being confirmed, forthwith call in and collect all debts due to the estate, and for that purpose, they shall, by advertisement in the *Government Gazette*, summon all debtors to pay, or cause the same to be paid to them, at such time and place as shall be therein appointed for that purpose ; and any person neglecting or refusing to make such payment, and being afterwards sued for any such debt, shall if the said trustee or trustees obtain a judgment against him, and if he shall not show cause, to the satisfaction of the Court awarding such judgment, for such neglect or refusal, pay to the said trustee or trustees double costs of suit, for the benefit of the said estate ; and the said publication shall be deemed notice thereof to all persons who may reasonably be presumed to have seen the same. And the said trustee or trustees shall also proceed to set aside, and, if necessary, by legal process, all such payments, alienations, and pledges, made by any person whose estate shall be sequestrated as insolvent, as are hereinafter

Insolvency.

particularly described, and declared to be null and void, precisely as if the money, or other property, delivered or pledged, had belonged to the said trustee or trustees at the time of the making of such payments, alienations, or pledges respectively.

90. Every alienation, transfer, gift, cession, delivery, mortgage, or pledge of any goods or effects, movable or immovable, personal, or real, made by any insolvent, at a time when it shall be made to appear, by proof, that his liabilities, fairly calculated, exceeded his assets, fairly valued, shall, unless the same shall have been made *bond fide*, and upon just and valuable considerations, be null and void. And whenever the immediate and necessary effect of any such alienation, transfer, gift, cession, delivery, mortgage, or pledge, as aforesaid, shall be to cause such an excess of liabilities over assets, then the same, to the extent to which such excess shall have been thus produced, shall be null and void.

What alienations
&c., null and
void.

91. Any settlement of property not being a settlement made before and in consideration of marriage, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor become insolvent within two years after the date of the settlement, be void against the trustees in the insolvency, and shall, if the settlor becomes insolvent at any subsequent time within five years after the date of the settlement, be void against the trustee in the insolvency if it can be proved that the settlor was at the time of making the settlement unable to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had not passed to the trustee of such settlement on the execution thereof. Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested, or contingent, in possession, or remainder, and not being money or property of, or in right of his wife, shall, on his becoming insolvent, before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the trustee in the insolvency. Settlement shall, for the purposes of this section, include any conveyance or transfer of property.

Certain settle-
ments, other than
ante-nuptial or as
specified, void, as
against trustee if
in some cases
insolvency occur
within two years;
in other cases
within five years.

Covenants in
consideration of
marriage for
future settle-
ment on wife or
children.

92. Every alienation, transfer, cession, delivery, mortgage, or pledge of any goods or effects, movable or immovable, personal or real, and every payment made by any insolvent to any creditor, such insolvent at the time contemplating the sequestration, either voluntary or otherwise, of his estate, and intending thereby to prefer, directly or indirectly, such creditor before his other creditors, shall be deemed to be an undue preference, and is hereby declared to be null and void. And every such alienation, transfer, cession, delivery, mortgage, or pledge, as aforesaid, made by any insolvent to any person whatever, such insolvent, at the time contemplating, as aforesaid, the sequestration of his estate, and intending thereby to prefer, directly or indirectly, any creditor before his other creditors, shall be deemed to be an undue preference of such creditors, in so far as he shall

What alienations
&c., and pay-
ments to
creditors undue
preferences.

Insolvency.

have been benefitted thereby, and the trustee or trustees shall be entitled to recover the amount or value of such undue preference from the creditor so preferred.

What alienations &c., and payments for the benefit of sureties &c., undue preferences.

93. Every alienation, transfer, cession, delivery, mortgage, or pledge of any goods or effects, moveable or immoveable, personal or real, and every payment made by any insolvent, with the intention of thereby benefitting any person who, not being a creditor of such insolvent, would yet have become liable for the amount paid, satisfied, or secured by the insolvent, in case it had not been so paid, satisfied, or secured, either in the character of a surety for such insolvent, or in some character by law analogous thereto, such insolvent, at the time of contemplating the sequestration, either voluntary or otherwise, of his estate, shall be deemed to be an undue preference, and the trustee or trustees shall be entitled to claim and recover from the person so intended to be benefitted, whatever amount the insolvent shall have paid, satisfied, or secured, in discharge or relief of such person's liability.

Alienations, &c., and payments in the usual course of trade protected.

94. Every alienation, transfer, cession, delivery, mortgage, or pledge, as aforesaid, and every payment made by any insolvent to any creditor in the usual and ordinary course of trade or business, shall, *prima facie*, be held and taken to have been or given *bona fide*, and without an intention to give to such creditor any preference, although such insolvent may, at the time, contemplate the sequestration of his estate as insolvent, and in every such case it shall be necessary for the trustee or trustees seeking to set the same aside, to show the existence of some collusive arrangement, mutual understanding, or common consent, between the insolvent and the creditor, the one to give, and the other to get, a preference over the other creditors of the insolvent under colour of a transaction in the usual and ordinary course of trade or business.

Collusive executions avoided.

95. Every payment obtained by any creditor before the making of the order for sequestration, by means, or under colour of legal process against the insolvent, shall be deemed an undue preference, and be null and void, when and as often as such payment shall have been obtained or facilitated by connivance of the insolvent, or by collusion between such insolvent and such creditor, such insolvent, when so conniving or colluding, contemplating the sequestration of his estate, and intending to give such creditor, or allow such creditor to get a preference above the other creditors of such insolvent.

Persons receiving undue preference through collusion to forfeit their debts.

96. In every case in which any person, whether actually a creditor or not, shall be obliged, by virtue of the 92nd, 93rd, or 95th sections of this Law, to restore or repay, as the case may be, for the benefit of the insolvent estate, any alienation, transfer, cession, delivery, mortgage, or pledge, or any payment, as having been an undue preference, such person shall not be allowed to claim or prove, as a debt, the amount of what he shall have so restored or repaid, but shall wholly forfeit such amount as regards the insolvent, in case such undue preference was received by such person by or through any collusive arrangement, mutual understanding, or common con-

Insolvency.

sent between such person and the insolvent, the one to give, and the other to get, such undue preference.

97. It shall and may be lawful for the trustee or trustees of any insolvent estate, in any suit or action which he may cause to be instituted against any person, for the restoration or repayment of any matter, money or thing, alleged to have been given or paid by the insolvent, by way of undue preference, or claim, amongst other things, that the defendant, in such suit or action, may be declared, by the judgment of the Court, in which such suit or action shall be pending, to have forfeited, in regard to the insolvent estate, the amount in which he shall be found to have been unduly preferred, by reason of the collusive arrangement, mutual understanding, or common consent, in the last preceding section mentioned, and the question of such forfeiture shall be tried and determined together with the other questions in the case; and in case it shall not be necessary to institute any suit or action against persons who shall be alleged by the trustee or trustees to have been unduly preferred, the right of any such last mentioned persons, to prove a debt, in respect of the amount or value of the matter, money, or thing, by them restored or repaid, shall, if disputed, be determined in manner and form as is hereinbefore provided for the regulation of the proof of debts.

Question of forfeiture, how to be tried.

98. In case any creditor of any insolvent shall have received from such insolvent an undue preference, but under circumstances which do not, by force and virtue of the 96th Section of this Law, occasion a forfeiture of the value or amount of such preference, then in case such creditor shall have received such undue preference in respect of any bill of exchange or promissory note, with recourse on other parties, which was payable by the insolvent, and held by such creditors, or in any respect of any debt of the insolvent, for which such creditor had any security, which, by reason of the act of the insolvent, constituting the undue preference, such creditor has *bona fide* given up, discharged, or in law precluded himself from enforcing, such creditor shall not be liable to restore or repay, to the trustee or trustees, the value or amount of such undue preference, unless the trustee will indemnify, and save him harmless, in respect of whatever loss such creditor would sustain, in case he were unconditionally condemned and adjudged to restore the value or amount aforesaid, and which loss such creditor would not have sustained, in case he had never received from the insolvent the payment, or other satisfaction, constituting such preference.

Certain creditors not to be obliged to restore or refund, unless indemnified.

99. If any person shall lawfully, *bona fide*, and without notice, purchase or acquire any bills of exchange, promissory notes, or other securities for money, or any goods or effects, movable or immovable, personal or real, which have been alienated, transferred, given, ceded, or delivered, by any insolvent, under circumstances, or in a manner, declared by any of the preceding or succeeding sections of this Law, to be null and void, from any person to whom such bills, notes, goods, or effects, were so alienated, transferred, given, ceded,

Purchase for creditor unduly preferred protected.

Insolvency.

or delivered, by any true bargain or agreement upon just and valuable consideration, nothing contained in this Law shall extend, or be construed to extend, to annul or affect any right which any such person has lawfully, *bona fide*, and without notice, purchased or acquired in such bills or notes, goods or effects : but in all such cases the person to whom the same were alienated, transferred, given, ceded, or delivered, by the insolvent, shall be bound and obliged to pay the true value of all such goods and effects, by them disposed of to the third party, to the trustee or trustees of the insolvent estate, for the benefit of the creditors thereof.

What acquittances, discharges of debts, or security for the same, when made by insolvent, void and penalty up to collusion.

100. All acquittances, surrenders, or discharges of any just debt, or of any security for any just debt, or other matter or thing, payment or delivery of which has not been actually and *bona fide* received, made by any insolvent, while contemplating the sequestration of his estate, having the effect to deprive his creditors of the benefit of any debt, or other matter or thing, shall be, and are hereby declared to be, as against the trustee or trustees of such insolvent, null and void ; and in every case in which the person accepting from the insolvent any such acquittance, surrender, or discharge aforesaid had, at the time of accepting the same, actual knowledge or reasonable notice that the effect of the same, if undetected, would be to deprive the creditors in the insolvent estate of the debt, or other matter or thing, in question, such person shall, besides making good such debt, matter, or thing, to the trustee or trustees of the insolvent estate, be obliged to pay to such trustee or trustees, a further sum, equal to the value of the debt, or other matter or thing, originally due and owing wrongfully acquitted, surrendered, or discharged, or attempted so to be.

Alienations, cessions, &c., after any order of sequestration void.

101. All alienations, transfers, gifts, cessions, deliveries, mortgages, or pledges of any goods or effects, movable or immovable, personal or real, belonging to the insolvent estate, and all payments, and all acquittances, surrenders, and discharges of any just debt due to such insolvent estate, or for any security for any just debt, or of any other matter or thing belonging or owing to the said estate, made by any insolvent after any order for the sequestration of his estate has been made, and before the making of the order of Court allowing and confirming, as hereinafter mentioned, the account and plan of distribution to be framed by the trustees, shall be, and are hereby declared to be, null and void, the several payments and alienations which such insolvent is, by virtue of the 55th Section of this Law, rendered competent to make, alone excepted.

Payment to insolvent, when void.

102. All payment or satisfaction made to any insolvent by any person who was the debtor of such insolvent at the time of the making of any order for the sequestration of the insolvent's estate, after the making such order, shall be null and void ; except only, that where the sequestration of such estate shall have been adjudged at the instance of the creditors thereof, all payment or satisfaction, really and *bona fide* made to any such insolvent, or to any person legally entitled to receive the same on his behalf, before such sequestration has been adjudged, shall be valid and effectual, in case

Insolvency.

any such person as aforesaid making such payment or satisfaction, had not, when so doing, notice of any order for the sequestration of the insolvent having been made.

103. Every provision hereinbefore contained relative to what shall be deemed to be undue preferences, made by persons contemplating the sequestration of their own estates, and to the avoiding of the same, and to the forfeiture, under certain circumstances, of the amount of every such preference, shall be deemed and taken to apply, *mutatis mutandis*, to preferences given out of the assets of the estates which they administer by persons legally invested with the administration of the estates of deceased persons, and of persons legally or actually incapable of the administration of their estates, when such persons, so invested, contemplate the sequestration of the estates which they administer, and intend to prefer some one or more creditors of any such estate before the other creditors thereof.

Provisions relative to preferences to apply to persons administering the estates of other persons.

104. If at the trial of any action brought for the purpose of setting aside any alleged undue preference under the provisions of this Law it be proved that the alienation, transfer, cession, delivery, mortgage, pledge or payment forming the subject of such action was made, granted, or given within six months before the sequestration of the estate of the insolvent and at a time when his liabilities, fairly calculated, exceeded his assets fairly valued, it shall be presumed that the insolvent at such time contemplated the sequestration of his estate unless proof be made to the contrary by the defendant in such action.

Presumption of contemplated sequestration.

105. It shall and may be lawful for the trustee or trustees of the insolvent estate of any deceased person, or of the insolvent estate of any person legally or actually incapable of the administration of his estate, to demand and recover, either from the person legally administering such estate before the sequestration thereof, and by whom any such undue preference shall have been given, out of the assets of such estate, or from the person to whom, or for whose benefit such undue preference shall have been given, the value or amount of such undue preference, or such trustee or trustees may sue such persons successively: Provided always, that it shall not be competent for any such trustee or trustees to require the restoration or repayment of such undue preference, or of the amount thereof, from both such persons as aforesaid concurrently, or to recover from them both, when sued successively, more than the single value or amount of such undue preference, together with the costs and charges of such trustee or trustees.

Trustee of any such insolvent estate entitled to recover, either from the administrator preferring, or from the creditor preferred.

106. It shall and may be lawful for the trustee or trustees to agree, if he or they should think fit, to any offer of composition made by any debtor of the insolvent estate who is himself insolvent, and to compound with any debtor to the insolvent estate, and take any reasonable part of the debt in discharge of the whole, or to give a reasonable time, or take security for the payment of such debt, or to submit any dispute between them and any person concerning or affecting the said estate to the determination of arbitrators, to be

Trustee may compound or submit to arbitration upon notice thereof.

Insolvency.

chosen by the trustee or trustees, and the party with whom they shall have such dispute, and the award of such arbitrators shall be binding on all the creditors : Provided always, that previous notice of their intentions so to agree to any offer of composition, or to compound any debt, or submit any dispute to arbitration, has been given for fourteen days, at least, by advertisement, in the *Government Gazette* and in a local newspaper. And for the purpose of such offer of composition, the trustee signing, if more than one, shall reckon only as one creditor in number and value.

As to sale of
estate by trust-
ees, conditions
of sale, &c.

107. The trustee or trustees shall, subject to the directions of the creditors given in manner hereinbefore provided, forthwith proceed to make sale of all the property belonging to the said estate, movable and immovable, giving due notice thereof in the *Government Gazette*, and also such other notice as they shall think fit : Provided that from the sale of the said movable property shall be excepted, until the creditors shall determine thereon, the wearing apparel, bedding, household furniture, and tools of trade, of the insolvent and his family ; and provided, that the sale of all immovable property shall be in such manner, and under such conditions, as shall be determined on by the majority in value, of the creditors present at any meeting duly summoned : Provided, however, that such conditions shall be subject to the approval or disapproval of the Supreme Court, or of any Circuit Court, on the application of any person interested in the due administration or reversion of the estate under sequestration.

As to wearing
apparel, tools,
&c., of insol-
vent.

108. It shall and may be lawful for the said trustee or trustees, with the consent of the majority in value, of the creditors, who shall have proved their debts, present at any meeting thereof, and of the purpose of which twenty-eight days' notice shall have been given in the *Government Gazette*, to permit the said insolvent to retain, for his own use, the whole, or such part of his wearing apparel, bedding, household furniture, and tools of trade, excepted from the sale of his movable property, as the said creditors shall agree to allow to the said insolvent : Provided, that every such permission shall be subject to the approval or disapproval of the Supreme or any Circuit Court, on the application of any person interested in the due administration of the estate.

Exemption of
arms, accoutre-
ments, and
horses of Volun-
teers.

109. The arms and accoutrements of every member of the Volunteer Force, who has been adjudged insolvent, and the horse used in the ranks by any such member, shall be exempt from the sale of the movable property of the insolvent.

Creditors to
choose a bank
with which
trustee shall
open an account
and lodge the
moneys of the
estate.

110. It shall and may be lawful for, and shall be the duty of, the creditors of any insolvent estate, at the meeting held for the election of trustees, immediately after such election, in case such election shall take place at such meeting, and in case such election shall not then take place, then, immediately after the votes of the said creditors, in regard to such election, shall have been given, to nominate and appoint some certain bank or banks within this Colony, with which bank or banks it shall be the duty of the trustee or trustees of such estate to open an account, and in case of a difference of opinion amongst the said creditors assembled at such

Insolvency.

meeting, the greater part, in value of the said creditors, shall determine upon the bank or banks to be so nominated and appointed as aforesaid, and from and after any such nomination and appointment of any such bank or banks, the trustee or trustees of such insolvent estate, whether chosen by the creditors, or provisionally appointed, shall, as soon as he or they shall receive any sum of money exceeding Twenty Pounds, belonging to such estate, open an account with such bank or banks in the name of the insolvent estate, and such sum, and every other sum exceeding Twenty Pounds, so received by him or them, shall, with all convenient speed, be paid into such bank or banks, to be placed to the credit of such account, and all checks or orders for the payment of any such money, out of the said bank or banks, shall truly express the cause of such payment, and the name of the person in whose favour it is drawn, and shall be signed by all the trustees, or by one of them for himself and co-trustees : Provided, that in case the creditors of any insolvent estate shall neglect, in manner aforesaid, to nominate any such bank or banks as aforesaid, it shall be lawful for the trustee or trustees as aforesaid, to open an account with, and pay all such monies, as aforesaid, into any such bank or banks in this Colony as he or they shall select ; and provided, that every provisional trustee, appointed under this Law, before the meeting of creditors for the election of trustees, shall, pending such meeting, open an account with, and pay all such monies, as aforesaid, into any such bank or banks in this Colony, as he shall select ; and provided, that all trustees, whether provisional or elected, shall, in regard to the bank or banks with which such account as aforesaid shall be kept, and such monies as aforesaid lodged, pursue such directions as they shall, from time to time, receive from any general meeting of the creditors of the insolvent estate.

111. Any trustee who shall retain in his hands, or knowingly permit any co-trustee so to retain, any sum of money exceeding *twenty pounds* sterling, part of any insolvent estate, longer than until the first day after his receiving the same, upon which it shall be possible for him to pay the said sum, or cause it to be paid, into some such bank or banks as aforesaid, and who shall not have any just and lawful cause for so retaining the same, or shall employ, for his own benefit, or knowingly permit any co-trustee so to employ, any sum of money, part of any insolvent estate, shall forfeit and pay, for the benefit of the said estate, double the amount of the sum so retained or employed ; and the said sum, so forfeited, shall be deducted out of any claim the said trustee may have against the said estate, and the surplus, if any, shall be recovered by action in any competent Court.

Penalty upon trustee retaining or employing money belonging to the estate.

112. The trustee or trustees shall keep an account, wherein they shall enter all property of the insolvent received by them, and all payments made by them on account of the insolvent's estate ; which account every creditor who shall have proved, may inspect at all reasonable times ; and it shall and may be lawful for the Master of the said Court, whenever he shall think fit, to summon the said

Accounts of the trustee.

Insolvency.

trustee or trustees, by writing, under his hand, to produce the said book, and the said Master shall, as often as he shall see fit, examine and inspect the same.

Powers of supervision by Master over trustees.

113. The Master shall take cognizance of the conduct of trustees, and in the event of any trustee not faithfully performing his duties and duly observing all the requirements imposed on him by law, rules, or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Master, by any creditor in regard thereto, the Master shall inquire into the matter and take such action thereon as may be deemed expedient. The Master may at any time require any trustee to answer any inquiry made by him in relation to any insolvency in which the trustee is engaged, and may if the Master thinks fit, apply to the Supreme Court to examine on oath, the trustee or any other person concerning the insolvency. The Master may also direct a local investigation to be made of the books and vouchers of the trustee.

Powers of trustee in respect of agreements entered into by insolvents for purchase or exchange of immovable property.

114. If any insolvent shall have entered into any agreement for the purchase or exchange of any estate or interest in any immovable property, it shall and may be lawful, for the trustee or trustees of such insolvent, either to abide by, execute, and sue for performance of such agreement, or abandon the same; and if the said trustees shall not (upon being thereto required) elect whether they will abide by and execute such agreement, or abandon the same, the vendor, or person having made such agreement as aforesaid, or anyone legally claiming under him, shall be entitled to apply, by motion, to the Supreme Court, or to any Circuit Court, who may thereupon order the trustees to deliver up any such agreement, and the possession of the premises, to the vendor or person so agreeing as aforesaid, or any one claiming under him, or may make such other order therein, as the said Court shall think fit: Provided, that nothing herein contained shall prevent such vendor, or person having made such agreement as aforesaid, from suing the trustee or trustees in any competent Court, and recovering judgment against the insolvent estate, for any damage which he shall prove, to the satisfaction of such Court, to have been by him sustained by the non-fulfilment, on the part of the insolvent, of any such agreement, or deprive the said trustee or trustees of their legal defence against such suit.

Trustee declining to continue lease

115. When part of the insolvent estate shall consist of a lease or other interest in immovable property for a limited period, subject to a rent or other like periodic payment, it shall be lawful, save in respect of any part of such lease, or interest as shall be sublet, for the trustee, within three months after sequestration, if duly authorised thereto by a meeting of creditors, to decline by writing served upon the person entitled to receive such rent or payment (hereinafter called the lessor) to continue such interest, and thereupon, save as aforesaid, and as hereinafter otherwise expressly provided, such lease or interest and all charges thereon as against it shall cease and determine: Provided always that if the trustee shall so decline, the lessor may, within one month after being so served, require the trustee to assign to him the entire of the sublet part or parts, if any, subject to

Insolvency.

the sublease or subleases : Provided also that if the lessor shall not so require, the rent payable to the lessor for such sublet part or parts retained by the trustee, shall be settled by the Master of the Supreme Court, subject to appeal, with all reasonable speed, to the Court : Provided also, that if there shall be such assignment to the lessor of the sublet part or parts, the lessor and the sub-lessee shall have the same rights against one another as if the lessor were the insolvent and there had been no sequestration.

116. Any person beneficially concerned in any charge upon any such lease or interest may, by himself or his agent, within the first two of such three months as aforesaid, require, in writing, the trustee not to decline such lease or interest, but to transfer or assign to such person the estate of such trustee in the same ; and if there be more than one such person so requiring the trustee, the Master of the Supreme Court, subject to appeal to the Court, shall select among them, and the trustee shall in such case not decline such lease or other interest, but if previously authorised by the creditors as aforesaid to decline, shall in lieu thereof, assign such lease or other interest to such person, and he shall, in respect of any matter thereafter to occur, be liable in his capacity as tenant, in like manner as the insolvent would have been if there had not been any sequestration : Provided always, that such person shall hold such lease or interest, subject to all charges on the same prior to and including his own charge in like manner as the insolvent would have been liable thereto if there had been no sequestration.

Owner of charge on lease requiring trustee not to decline.

117. Nothing herein contained shall affect any right of the lessor, against the insolvent state of the assignee of the lease or interest, in respect of any matter or claim occurring or arising before such lease or interest shall have been declined or assigned, nor in respect of any forfeiture, penalty, or other claim expressly provided for in any instrument creating or affecting such lease or other interest, save so far as any waiver may be deemed to prevent such lessor from enforcing any such demand.

Rights of lessor retained.

118. All demands in respect of mortgages or charges upon such lease or other interest shall exist against the insolvent estate so far as their security on such lease or interest shall have been defeated by the same being declined or assigned as aforesaid, in like manner as if they had not been originally secured by or charged on the same.

Charges defeated as to lease to exist against insolvent estate.

119. The trustee shall not be authorised to sell any property of the insolvent estate which shall be subject to any valid special mortgage, otherwise than subject to such mortgage, unless it shall have been paid, or unless the holder of it, or some competent person to consent for such holder, shall consent in writing to such property being sold discharged from such mortgage, or unless the holder of another special mortgage on such property of earlier date or priority, or some person competent to consent for such last-mentioned holder, shall have consented in writing to such property being sold discharged from such, his earlier, mortgage : Provided always that nothing in this section shall take away from the latter mortgagee before any such

Sale to be subject to special mortgage, unless otherwise consented.

Insolvency.

sale the right of putting himself in the place of an earlier mortgagee by redeeming him.

Purchaser's liability on sale subject to mortgage.

120. The trustee may sell any property in the insolvent estate subject to any mortgage or charge thereon, unless the holder of such mortgage or charge, or the agent of such holder, shall, before such sale, have required in writing a sale of such property discharged from such mortgage or charge, and the purchaser of any such property, subject to any mortgage or charge, and his property shall be liable thereto in like manner as the insolvent and his property would have been if there had not been any sequestration.

Rights of mortgagees of property sold discharged from them.

121. The proceeds of the sale of any property in the insolvent estate which was subject to any mortgage or charge, shall, subject to the expenses of such sale, be applicable to the payment of such of the said mortgages and charges, and interest thereon, as such property shall be sold free from according to their respective priorities, as against such property before such sale; and any balance left unpaid upon any such mortgage shall, save as otherwise preferentially secured in the insolvent estate, be deemed of the nature of a concurrent demand. There shall be included in the expenses of such sale any quitrent, rate, tax, or other charge or assessment on the property mortgaged; any costs of advertising, or for otherwise giving publicity to any sale; all auctioneer's charges and commission; any sum expended in the upkeep or other preservation or improvement, or administration of the property mortgaged since the lodging of the insolvency petition; the commission or other remuneration of the trustee in respect of the realization of the said property; any costs incurred in respect to the title deeds of the property, or otherwise, in making the mortgaged property available for sale; and if there are no other available assets, the costs of administration of the debtor's estate. If the proceeds of any property are insufficient to meet the expenses of the sale thereof, such mortgage creditor or creditors shall be personally liable for the same. Rent or any other income or pecuniary advantage derived from any property specially mortgaged shall be deemed to be, and be included in the proceeds of the sale of such property, and be accounted for as such by the trustee.

Preference by general mortgage.

Mortgage or pledge of movables.

122. No merely general mortgage or general mortgage clause on any instrument executed after the promulgation of this Law, shall confer any preference on the mortgage in respect of any property in the insolvent estate not in the lawful possession or under the control of such mortgagee at the date of the sequestration, and which at the time the deed was executed shall not have been delivered up to the mortgagee by deed of assignment as further security. No mortgage or pledge of movables shall confer any preference on the mortgagee or pledgee thereof until the deed constituting such mortgage or pledge is registered in the public debt registry office, and the date of such registration shall for all the purposes of this Law be deemed to be the date of the execution of any such deed: Provided that nothing in this section shall alter the common law of the Colony in reference to the pledge of movables by actual delivery to, and attention by, the pledgee for the whole term of such pledge.

Insolvency.

123. If any special mortgagee, whose consent to a sale of the mortgaged property, free from his mortgage, shall then be requisite, shall upon application by the trustee, in writing to him, or his agent, competent to assent, not consent, with all reasonable speed, to transfer his demand from the mortgaged property to the proceeds of the sale thereof, in usual order, so as that such sale may take place free from such mortgage, such mortgagee shall thereafter have no claim on foot of such mortgage against any part of the insolvent estate, other than the property so specially mortgaged to him, and shall not thereafter have any right of voting as a creditor by such mortgage demand.

Special mortgagees not consenting to sale free of mortgage.

124. When the trustee shall be duly authorised thereto by a meeting of creditors, he may transfer, assign, or accede any specially mortgaged property to any special mortgagee thereof, subject to any prior special mortgages thereon, in satisfaction of the whole, or any part of such transferee's demand, and subject to or discharged from any charges subsequent thereto, as shall be by such meeting authorised, and as shall be agreed to by such transferee, and the transaction shall be deemed a sale within the provisions of Sec. 120 hereof : Provided always, that any special mortgagee may apply to the Master of the Supreme Court to order the trustee to summon a meeting of creditors for the purpose aforesaid : Provided also, that any special mortgagee on such property, who would be injured by the proposed transfer, may, at his own risk, in respect of expenses, require the trustee to offer the property for public sale, on the terms of the proposed transfer, to the best and highest bidder, and such expenses shall be the first charge upon any price thereby realised.

Mortgages not consenting to sale of property discharged.

125. Nothing hereinbefore contained shall be deemed to lessen any such right as may have been vested heretofore in any trustee, to sell any property free from any charges thereon, other than special mortgages, save so far as any such charge shall be preferent to any special mortgage to which such property shall remain subject ; nor shall anything in this Law affect the efficacy of any decree or order of any Court in reference to sales thereunder.

Sale of property discharged from mortgages.

126. No person, from whom any insolvent shall have purchased any property, movable or immovable, personal or real, and who shall have delivered, or caused or permitted such property to be delivered, to such insolvent, shall be entitled either to claim such property being in the sequestrated estate, or to claim to be preferred, in any way, for the price or value thereof, by reason alone that such property was sold by such person, to such insolvent, without any period having been stipulated, until the expiration of which period the price should not be payable, or upon any actual agreement, or tacit understanding, that such price should be paid, or payable forthwith : Provided, that nothing herein contained shall be deemed or taken to alter or affect any previous law in force in this Colony, in regard to the right of a vendor to rescind any sale, and reclaim his property, on account of fraud and circumvention practised upon him by the purchaser, except only in so far as the matters aforesaid, hereby declared to be of themselves not sufficient to entitle any such vendor to claim again property sold and delivered, shall have been

Certain vendors not to be entitled to reclaim property found in the estate.

Insolvency.

deemed to amount to, or to be conclusive evidence of, such fraud and circumvention ; and provided also, that nothing herein contained shall apply to any case in which any such vendor shall, within ten days of the delivery of any property sold as aforesaid, reclaim, by notice, in writing, the possession of the said property, and proceed thereafter, without any unnecessary delay, to enforce the re-delivery of the said property by means of legal process.

When all creditors consent or have been satisfied, estate may be released from sequestration.

127. It shall and may be lawful for the Supreme Court, upon the application of any insolvent, to release, if it should so think fit, the estate of such insolvent from sequestration, whenever it shall be certified to the said Court, by the Master of the said Court, that all creditors, who have proved debts, or entered claims against such estate, have testified, in writing, their consent to such release, or whenever it shall be certified, by the said Master, that all the creditors, who have proved debts or entered claims as aforesaid, have been paid, or have had tendered to, or deposited for them, as the case may be, the full amount, as well principal as interest, of their several demands : Provided, that no such application to release any such estate from sequestration, under the provisions of this section, shall be capable of being granted until after the third meeting of creditors, as hereinbefore mentioned, shall have been held ; and provided, that it shall be lawful for the said Court, before granting any such application as aforesaid, to make, or cause to be made, such inquiry relative to the existence of other just and lawful creditors who have neither proved nor claimed as to the Court may seem meet, and thereupon to grant, or refuse, such application, and that either absolutely or conditionally, as to the said Court shall seem just ; and provided, that no such release as aforesaid shall be construed to be a discharge of the insolvent, or to alter or affect, in any way, the rights of any creditors of any such insolvent, who have neither proved debts nor entered claims upon the insolvent estate, which rights shall be judged of, after any such release, exactly as if such estate had never been surrendered.

Account and plan of distribution, and when to be laid by trustees before the Master.

128. The trustee or trustees of any insolvent estate shall, as soon as may be, and not later than six months after their appointment, unless upon application to the Supreme Court, upon sufficient cause to the satisfaction of the said Court, further time be given for that purpose, frame and lay before the Master of the said Court, an exact account and balance of the said estate, containing the proceeds of all sales and debts then collected, and an account of all debts still outstanding, and an inventory of all property and effects still unsold, and also all debts due by the said estate ; and shall also form a general plan for distribution of the assets of the said estate, specifying, first, such creditors as are preferent by law, in the order of their legal preference, and, secondly, the concurrent creditors, and, as nearly as may be, the probable balance which will remain for division amongst them. And when, and as often, as the usual place of residence of any insolvent shall be in any Division of this Colony, other than Pietermaritzburg or the County thereof, the trustee or trustees of that insolvent shall,

Insolvency.

before laying the account and plan aforesaid before the said Master, or concurrently therewith, lay the same before the Resident Magistrate of such Division, in whose office it shall remain, for the inspection of creditors, for at least seven days; and every such Resident Magistrate shall cause to be affixed in some public place in or about his said office, a list of all insolvent estates in which such account and plan as aforesaid remains, for the time being, for inspection, together with the date of its intended transmission.

129. In the distribution of the property of the insolvent there shall be paid in priority to all other debts, and in addition to all other preferences and priorities provided by any laws already passed, or hereafter to be enacted, all wages or salary of any clerk or servant in respect of services rendered to the insolvent during six months before the date of the order of sequestration, not exceeding fifty pounds: and all wages of any labourer or workman not exceeding fifty pounds, whether payable for time or piece work, in respect of services rendered to the insolvent during six months before the date of the order of sequestration. The foregoing debts shall rank equally between themselves, and shall be paid in full unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves. In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate. Subject to the provisions of this Law all debts proved in the insolvency shall be paid *pari passu*. If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the order of sequestration at the rate of six pounds per centum per annum on all debts proved in the insolvency.

Certain debts payable in priority to all other debts.

Wages.

Joint and separate estates of partners.

Subject to this Law, all debts payable *pari passu*.

Surplus to be applied in payment of interest.

130. Where at the time of the order of sequestration, any person is apprenticed or is an articulated clerk to the insolvent, the adjudication of insolvency shall, if either the insolvent or apprentice or clerk gives notice in writing to the trustee to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement. And if any money has been paid by or on behalf of the apprentice or clerk to the insolvent as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as the trustee, subject to an appeal to the Court, thinks reasonable out of the insolvent's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the insolvent under the indenture or articles before the commencement of the insolvency, and to the other circumstances of the case. Where it appears expedient to a trustee he may, on the application of any apprentice or articulated clerk to the insolvent,

Insolvency of employer of apprentices or articulated clerk.

Transfer of indenture.

Insolvency.

or any person acting on behalf of such apprentice or articulated clerk, instead of acting under the preceding provisions of this section, transfer the indenture of apprenticeship or articles of agreement to some other person.

Failure of trustee
to file accounts.

131. If any trustee shall neglect to lay before the Master of the Supreme Court any account by this Law required within the time prescribed, it shall be lawful for the said Master, and he is hereby required, to call upon any such trustee to show cause before the Supreme Court why he should not forthwith be ordered to file the said account, and the said Court shall summarily make such order thereupon, and impose such penalty for the non-observance thereof as to such Court shall seem fit and proper.

As to inspection
and notice
thereof.

132. As soon as the Master shall receive from the trustees any such account of the estate and plan for distribution, the same shall lie open in his office, for the inspection of the creditors, a reasonable time, to be appointed by the said Master, not being less than fourteen days from the advertisement thereof, according to the distance from Pietermaritzburg of the residence of any creditor who has proved a debt against the said estate; and the said trustee or trustees shall cause notice thereof to be given in the *Government Gazette*, and that the Supreme Court will thereupon be moved to confirm and allow the said account and distribution of the estate.

As to objections
of creditors
thereon.

133. It shall and may be lawful for the insolvent, or any party interested in the estate under sequestration, and for any creditor who may conceive himself aggrieved by the said plan of distribution, within the time aforesaid, to enter his objection, in writing, with the said Master, stating the grounds thereof; and also, it shall and may be lawful for the Supreme Court to permit such objection to be entered at any time before the final confirmation of the said plan, upon sufficient cause to be shown to the satisfaction of the said Court, and upon such terms as the said Court shall impose.

As to proceedings
before the Court
thereon.

134. Any person objecting to the said account, or plan of distribution, shall apply to the Supreme Court, on motion, calling upon the trustees, and also upon the party whose interest might be affected thereby, to show cause why the said plan should not be altered or amended, as the case may be; and thereupon it shall and may be lawful for the said Court, upon hearing the said parties, to make such order thereon as to the said Court shall seem fit: Provided that when any alteration or amendment shall be ordered in the said plan, whereby the interest of any party, who has not made appearance in the said Court, shall be affected, the same shall again lie open for inspection of the creditors, and notice thereof shall be given as aforesaid.

As to confirma-
tion by the
Court and effect
thereof.

135. It shall and may be lawful for the trustee or trustees, after the expiration of the time appointed for the inspection of the said account and plan of distribution, and no objection being entered thereto, or if any objection has been stated, after the Court has made order thereon, as aforesaid, to apply to the Supreme Court, on motion, praying that the said plan may be allowed and confirmed by the Court; and thereupon it shall and may be lawful for the said

Insolvency.

Court to allow and confirm the same : and such allowance and confirmation shall have the effect of a final sentence of the said Court, except against such creditors as shall afterwards be admitted by the said Court, in manner hereinbefore provided, to prove their debts, and rank upon the said estate at any time before the final distribution thereof.

136. After confirmation and allowance of the said account and plan of distribution, the trustees shall, upon the demand of the said creditors, distribute the said estate according thereto, and the remedy of any creditor to obtain payment of, and dividend due to him shall be, during the continuance in office of the said trustee or trustees, to the Supreme Court, or any Circuit Court, by motion.

As to distribution of estate,

137. If it shall, from the nature and circumstances of the insolvent estate, be found impracticable to frame the plan of distribution, aforesaid, so as to arrange the distribution according thereto, of the whole of the insolvent estate, then the trustee or trustees shall, as soon as may be, after the allowance and confirmation of the said plan, and not later than six months after such allowance and confirmation unless upon application to the Supreme Court, upon sufficient cause to the satisfaction of the said Court, further time be given for that purpose, frame and lay before the Master, a scheme of division which shall contain an account of such of the matters hereinbefore required, in regard to the account and plan of distribution in the 128th section of this Law mentioned, as the then state and condition of the assets of the insolvent estate shall permit, and shall duly apportion the funds in hand amongst the creditors, and the like proceedings, in all respects, shall be had and taken relative to the said scheme of division, as are hereinbefore prescribed in regard to the said account and plan of distribution, and after the allowance and confirmation of such scheme of division, the dividends declared thereby shall be distributed, and there shall be the like remedy as aforesaid for obtaining the same ; and if it shall happen that the whole of any insolvent estate shall not be included in one such scheme of division as aforesaid, then, as soon as may be after the framing of the same, but not later (except as hereinbefore excepted) than six months after the date on which the six months above fixed, for the framing of the first scheme of division, shall have expired, a second such scheme of division shall, in like manner and form, be framed, and proceeded on, and so on from six months, until the whole estate shall have been wound up, and finally distributed.

Scheme of division, what and when to be framed.

138. In the event of a trustee filing an account and plan of contribution the same course shall be followed as in the case of an account and plan of distribution, but the Supreme Court shall require to be furnished by the Master of such Court with a full report on the said account specifying the reasons for the contribution claimed and the accuracy of the account in detail, and that the several items in the said account are supported by vouchers, and the said Court shall, if satisfied upon the report of the Master and such further proofs as may be produced to or be called for by the Court, grant a provisional order allowing and confirming the said account

Same course to be followed in respect to contribution account, when filed, as in case of distribution account.

Master shall require to be satisfied as to correctness of distribution account.

Insolvency.

and plan of contribution : Provided, however, that in the event of the trustee requiring to enforce against any creditor a claim to contribution for any sum of money, which, by the said account and plan of contribution, any such creditor shall be liable to pay, an application on motion, of which notice shall be duly served on the said creditor, shall be necessary, and the Court, upon hearing the said application, shall make an order directing the creditor to pay, or shall grant such other order as may to justice appertain.

139. The trustee or trustees shall, whenever any dividend is payable, give a public notice in the *Government Gazette*, stating that such dividend is in course of payment, and calling upon all creditors entitled thereto to apply for and receive the same; and in case any dividend or dividends shall remain unclaimed in their hands for the space of six months after the date of the confirmation of the account by virtue of which such dividend is payable, then it shall be the duty of the trustee or trustees to deposit such unclaimed dividend or dividends with the Master of the Supreme Court; and if any trustee or trustees shall neglect to deposit with the said Master any dividend remaining unclaimed for the space and term aforesaid, such trustee or trustees shall forfeit and pay, for the benefit of the Colonial Treasury, any sum not exceeding the amount of the dividend or dividends unduly retained, which shall be awarded by the Supreme Court; and it shall be lawful for the said Master to summon any such trustee or trustees to show cause, before the said Court, why he or they should not be adjudged to pay to him the amount of any such dividend or dividends, as also the fine or forfeiture aforesaid, and the said Court shall summarily make such decision thereon as to it shall seem meet; and the said Master shall be, at all times, after the confirmation and allowance of the plan of distribution, authorised and entitled to call upon such trustee or trustees to show, by vouchers, or other sufficient proof, what number of the dividends payable are actually paid; and, for the purpose of the penalty hereby imposed, any neglect or refusal to produce such vouchers or other sufficient evidence, to prove the payment of any given dividend, shall amount to *prima facie* proof that the same is still unclaimed; and it shall be lawful for the Supreme Court, in case of disobedience, by any such trustee or trustees, to any order or decision of such Court, made by virtue of this, or of the 136th section, to direct the sum in question to be levied by attachment and sale of the goods of the offender, or otherwise to commit such offender to prison, until he shall obey such order, or until the said Court shall order his liberation, or, otherwise, to apply both remedies, and that either concurrently or successively as the Court shall see fit.

140. When any trustee desires to resign his office, or so soon as the plan of distribution of the insolvent estate has been confirmed, it shall be lawful for such trustee to apply to the Supreme Court, by motion, for leave to resign his office, and to be discharged and acquitted of the said trust; and if no valid objection be stated, and if the Court be satisfied that the trustee has complied with the regulations of this Law, so far as regards him, his application may

Notification of
payment of
dividend.

Unclaimed divi-
dends to be paid
to Master.

Penalty upon
trustee for
default.

As to resignation
and discharge of
trustees.

Insolvency.

be granted by the said Court ; but if any objection be stated thereto, the Court shall proceed to determine the same in a summary manner, and shall make such order thereon as they shall think fit ; and if the application of the trustee for leave to resign be granted, the said Court shall thereupon make such order as they shall think fit, for the preservation and administration of the estate, until a new trustee be chosen and confirmed, and for the discharge and acquittance of the said trustee, and for the security and payment of any unclaimed dividends to the parties entitled to the same : Provided always, that no order of the said Court, allowing the said trustee to resign, shall prevent the trustee, thereafter chosen and confirmed in his stead, from calling upon him to account for any part of his conduct as trustee, prior to his resignation ; and provided always, that before making any application for leave to resign, the trustee shall make out a full statement of his accounts, and of the situation of the insolvent estate, and shall call a meeting of the creditors to consider the same, of which meeting at least twenty-eight days' notice shall be given by advertisement in the *Government Gazette*, intimating the purpose of the meeting ; and also that the aforesaid statement will, in the meantime, lie open for their inspection in the office of the Master of the Supreme Court.

141. When the trustee has released all the property of the insolvent or so much thereof as can, in his opinion, be released without needlessly protracting the trusteeship, and distributed a final dividend, if any, and has ceased to act by reason of a composition having been approved, or has resigned, or has been removed from his office, the Supreme Court may, on the application of the trustee, take into consideration the report of the Master, to be framed by him in reference to the application, and any objection which may be urged by any creditor or person interested against the release of the trustee, and shall either grant or withhold the release accordingly. Where the release of a trustee is withheld the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty. An order of the Court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the insolvent, or otherwise in relation to his conduct as trustee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact. Where the trustee has not previously resigned or been removed, his release shall operate as a removal of him from his office.

142. All preferences, gratuities, securities, or payments granted, made, or promised by any insolvent to, or in trust for, any creditor of such insolvent, and all secret and collusive agreements and transactions intended to persuade any such creditor to accept any offer of composition, or security for composition, shall be, and are hereby declared to be, null and void ; and any creditor who shall have received any money, matter, or thing, or promise of the same, as a consideration for, or inducement to, such creditor to accept any such composition, shall forfeit a sum equal to the amount of whatever debt

Application
of trustee for
release.

Release to
operate as a
removal.

Contracts, &c.,
to persuade cre-
ditors to com-
pound, or to
sign certificate
void.

Insolvency.

such creditor originally proved upon the insolvent estate, together with the amount of whatever money, matter, or thing he may have received from such insolvent, as such consideration or inducement as aforesaid, and also the amount of any composition which may have been paid or secured to such creditor; and all such moneys, matters, or things hereby declared to be claimable or recoverable from any such creditor, shall and may be sued for and recovered in any competent Court by any person who was a creditor of such insolvent estate at the time of the acceptance of any such composition, for the use and benefit of such person jointly with that of all such other persons who were also creditors at the time aforesaid, as shall within twenty-eight days after a public notice in the *Government Gazette*, signed by the person purposing to sue, join and concur in the bringing of such suit, and agree to contribute to the expense thereof; but no such notice need set forth the name of the party intended to be sued, or state more than that legal proceedings are intended to be taken under this section, in a certain case, of which the particulars may be learned from the person signing the said notice.

Insolvent or representative entitled to the residue of estate.

143. In every case any residue of the insolvent estate which may remain after the payment of all claims thereupon, shall be paid to the insolvent or his legal representatives, to whom shall also be restored the property of, and all debts and assets belonging to the estate which may, after the satisfaction as aforesaid, of all claims, remain or be outstanding.

Insolvent trustee not discharged from debt, and declared incapable of ever being again elected.

144. Any trustee becoming insolvent, and being indebted to the estate of which he was trustee, in respect of any sum of money improperly retained or employed by him, if he shall obtain his certificate and allowance thereof, shall not be discharged thereby, as to his future effects, in respect of the said debt, and such insolvent shall be for ever incapable of being again elected a trustee under this Law.

Mode of pleading certificate and of obtaining discharge.

145. Any insolvent who, after his certificate has been allowed, shall have any action brought against him for any debt, claim or demand, due by him at the time his estate was surrendered or adjudged to be sequestrated, proved, or hereby made provable, or in any manner claimable, against his estate, may plead in general that the cause of action accrued before he surrendered his estate, or the same was sequestrated as aforesaid, and may give this Law and the special matter in evidence; and such insolvent's certificate, and allowance thereof, shall be sufficient evidence of the insolvency, surrender, or adjudication, and other proceedings precedent to the obtaining the said certificate and allowance thereof.

No writ of civil imprisonment shall be granted where there are no means to satisfy judgment.

146. No writ of civil imprisonment for non-payment or non-satisfaction of any judgment or decree shall be granted or issued by the Supreme or any other Court of this Colony in cases in which the defendant, or other party against whom such writ of civil imprisonment is sought to be issued, shall prove to the satisfaction of the Court to which such application is made that such defendant, or other party, as aforesaid, has not property or means sufficient to

Insolvency.

satisfy in whole, or in part, the said judgment or decree. There shall be excepted from the operation of the above enactment :—

A trustee or person acting in a fiduciary capacity, and making default when ordered to pay any sum in his possession, or under his control. *Exceptions.*

An attorney or solicitor making default when ordered to pay costs for misconduct as such, or when ordered to pay a sum of money in his character of an officer of the Court making the order.

An insolvent debtor making default in any payment for the benefit of his creditors of any portion of a salary, or other income, in respect of the payment of which the Supreme Court is authorised to make an order.

147. From and after the making of the decree aforesaid, confirming the account and plan of distribution of the insolvent estate aforesaid, or if there be more than one account, then the first account, the insolvent, although he shall not have obtained his certificate, and the allowance thereof, shall be competent to acquire and possess, for his own use, and as his own property, all such goods and effects, movable or immovable, personal or real, as may be purchased or acquired by him, or may revert, descend, or be devised, or come to him in manner whatsoever, other than by virtue of any right or reversion which was vested in the insolvent at the date of the order for the sequestration of his estate, precisely as if the estate of such insolvent had never been placed under sequestration.

After confirmation and plan of distribution, insolvent competent to acquire property.

148. In every case in which any insolvent shall not have obtained the allowance of his certificate as hereinbefore mentioned, it shall and may be lawful for the trustee or trustees of the insolvent estate, should any such be, or for the Master of the Supreme Court, or for any creditor of the insolvent estate, to whom it shall appear, by such account and plan as aforesaid, or any such scheme of division as aforesaid, that any portion of his debt is still due and owing, to apply to the Supreme Court, or any Circuit Court, by motion, of which notice shall be given to said insolvent, for leave to issue execution against such insolvent, for any sum not exceeding the whole amount of the deficiency which shall, at the time of making such application exist in the insolvent estate; and the said Court, upon being satisfied by affidavit or otherwise, that a certain deficiency does so exist, and that there are reasonable grounds for believing that there are assets belonging to the insolvent capable of satisfying the same, wholly or in part, shall allow a writ of execution to be issued, and such writ of execution shall be executed in the like manner as writs of execution issued upon judgments of the said Court, and every attachment or levy made thereunder, and every incident belonging thereto, as well in regard to the right of other writs of execution lodged in the hands of the Sheriff, or other proper officer of the law, to share in the proceeds levied and made, as otherwise shall be judged of upon the same principles which do, or shall, by law, belong to ordinary writs of execution; and the proceeds of every execution, levied under

Future property of uncertificated insolvent, how to be made available to creditors.

Insolvency.

the provisions of this section, shall be paid by the Sheriff, or other proper officer of the law, to the trustee or trustees of the insolvent estate, if such there be, or, if there be none such, to the Master of the Supreme Court; and every such payment, by the said Sheriff, or other proper officer of the law, shall be deemed in law to be the distribution of the proceeds of the writ of execution, and the amount of any such proceeds of the writ of execution, and the amount of such proceeds which shall be so paid to any such trustee or trustees, or to the said Master, after deducting thereout any costs which shall have been properly incurred by the party realising the same, shall be divided amongst all such creditors of the insolvent estate as shall, before the distribution thereof, claim to be admitted to participate in the same: Provided that the said trustee or trustees, or the said Master, as the case may be, shall distribute such proceeds rateably and proportionably amongst the creditors so claiming, except that, if the said proceeds shall have arisen out of an execution issued at the instance of any concurrent creditor, such creditor shall receive a dividend greater by five shillings in the pound, than that receivable by any other creditor of equal rank; and if by reason of there being preferent creditors in the said estate, or from any other cause the said recompense shall be deemed inadequate, it shall be lawful for the Master of the Supreme Court to award to such concurrent creditor such reasonable commission in lieu thereof as he shall think fit, subject to an appeal to the Supreme Court: Provided also, that no division of such proceeds shall be made by any such trustee or trustees, or by the said Master, until after twenty-one days' previous notice shall have been given in the *Government Gazette* and in a local paper.

149. It shall not be lawful for any person to make application for the process of any Court, or for leave to issue execution against any insolvent, or to proceed in any manner against such insolvent in respect of any debt or demand proved or provable against his insolvent estate, at any time after the lapse of four years from the date of the surrender or sequestration of his estate as insolvent.

150. Where an insolvent is an officer or clerk or otherwise employed or engaged in the civil service of the Colony, the trustee shall receive for distribution amongst the creditors so much of the insolvent's pay or salary as the Supreme Court, on the application of the trustee with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this section the Court shall communicate with the chief officer of the department as to the amount, time, and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment. Where an insolvent is in the receipt of a salary or income other than as aforesaid, or is entitled to half-pay or pension, or to any compensation granted by the Government, the Court, on the application of the trustee, shall from time to time make such order as it thinks just for the payment of the salary, income, half-pay, pension, or compensation, or of any

After four years from date of sequestration no proceeding to be had against the insolvent for any debt provable in the estate.

Insolvency of officers, clerks, and employees in the Civil Service.

Insolvents in receipt of salary or income.

Insolvency.

part thereof, to the trustee to be applied by him in such manner as the Court may direct. Nothing in this section shall take away or abridge any power of any competent authority to dismiss an insolvent, or to declare the pension, half-pay, or compensation of any insolvent to be forfeited. No order for the attachment of the pay of any Volunteer, or of the wages of any servant, labourer, or workman, shall be made under the provisions of this Law.

151. It shall and may be lawful for the Chief Justice of this Colony, or any other of the Judges of the Supreme Court, to accept if he shall see cause so to do, the surrender of the estate of any insolvent who shall not have obtained his certificate and the allowance thereof, at any time after the making of the decree of Court confirming the plan of distribution as aforesaid, and the estate of any such insolvent may be adjudged to be sequestered at the instance of his creditors, as well those whose debts remain unsatisfied from any former sequestration (if there shall have been more sequestrations than one), as those whose debts have been incurred since the making, for the last time, of such decree as aforesaid, precisely as if the estate of such insolvent had never been placed under sequestration.

Uncertificated insolvent may surrender new estates.

152. In addition to the several matters and things hereinbefore mentioned and declared to be respectively acts of insolvency,—all of which are hereby declared to be applicable to the case of every such insolvent as is in the last preceding section mentioned, equally with every other person, the suffering of any attachment to be laid on, under and by virtue of any writ of execution issued under and by virtue of the 148th section of this Law, shall be deemed to be an act of insolvency in the case of every such insolvent as aforesaid, and shall entitle any creditor or creditors whose debt or debts is or are of the competent amount, and has or have accrued since the making of the last decree confirming such account and plan of distribution as aforesaid, to petition in manner and form as by this Law is provided, to have the estate of such insolvent as aforesaid sequestered for the benefit of his creditors.

Compulsory sequestration against uncertificated insolvent.

153. As often as the estate of any insolvent, remaining as aforesaid uncertificated, shall be again sequestered as insolvent, the creditors under any former sequestration shall prove debts and rank upon the insolvent estate for whatever balance shall still be due and owing to them, respectively, according to the nature of their respective debts, whether preferent or concurrent, just as if the last order for sequestration had been the only such order ever issued.

Ranking of old and new creditors on insolvent estate, in case of a new insolvency.

154. In determining all questions relating to undue preferences given by any insolvent remaining as aforesaid uncertificated, and the proceedings thereon, and the consequences thereof, the creditors under any former sequestration, and those who have first become such since the making of the last decree confirming the account and plan of distribution, shall be considered as one body, and without difference or distribution, except in so far as in particular cases, the circumstances of the one class of creditors or of the other may effect, as matter of evidence, the application of the principles hereinbefore, in regard to such questions aforesaid stated and set forth.

Rule as to undue preferences by uncertificated insolvent.

Insolvency.

Lists of uncertificated insolvents to be published in the *Government Gazette* every six months.

155. The Master of the Supreme Court shall, as soon as may be after the 31st day of March and the 30th day of September in each year, cause to be published in the *Natal Government Gazette* two lists, showing respectively—

- (1) The name and residence of every uncertificated insolvent whose estate shall have been placed under sequestration during the preceding six months, and in whose estate the account and plan of distribution shall not have been confirmed, together with the date of the order for the sequestration of the estate of such insolvent.
- (2) The name and residence of every uncertificated insolvent in whose estate the account and plan of distribution shall have been confirmed during the preceding six months, together with the date of the decree confirming the same:

And the cost of publishing such lists, as well as of inserting all such notices required by this Law to be given by the said Master by advertisement in the *Natal Government Gazette*, shall be defrayed by Government.

Disqualifications of insolvent.

156. Where a debtor is adjudged insolvent he shall, subject to the provisions of this Law, be disqualified for—

- (a) Being appointed or acting as a Justice of the Peace;
- (b) Being elected to or holding or exercising the office of Mayor, or Town Councillor of any Municipal Corporation;
- (c) Being elected to or holding or exercising the office of Chairman or Member of any Local Board.

Removal of disqualification.

The disqualifications to which an insolvent is subject under this section shall be removed and cease if and when—

- (d) The adjudication of insolvency against him is annulled, or
- (e) He obtains from the Court his discharge, with a certificate to the effect that his insolvency was caused by misfortune, without any misconduct on his part. The Court may grant or withhold such certificate as it thinks fit.

Insolvency vacates office of Mayor, Town Councillor, or Member of Local Board.

157. If a person is adjudged insolvent whilst holding the office of Mayor or Town Councillor of any Municipal Corporation, or Chairman or Member of any Local Board, his office shall thereupon become vacant.

Composition deeds, &c., to be binding on all creditors, if following conditions observed.

158. Every deed or instrument made or entered into between a debtor and his creditors, or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor, and his release therefrom, or the distribution, inspection, management, and winding-up of his estate, or any of such matters, shall be as valid, effectual, and binding, on all the creditors of such debtor, as if they were parties to

Insolvency.

and had duly executed the same. Provided the following conditions be observed, that is to say :—

- (1) A majority in number, representing three-fourths in value of the creditors of such debtor, whose debts shall respectively amount to ten pounds and upwards, shall, before or after the execution thereof by the debtor, in writing, assent to, or approve of, such deed or instrument: Provided, however, that in the computation of the requisite value the amount due to each creditor, after deducting the value of the securities held by him on the debtor's property, shall alone be reckoned.
- (2) If a trustee or trustees be appointed by such deed or instrument, such trustee or trustees shall execute the same.
- (3) The execution of such deed or instrument by the debtor shall be attested by an Attorney or Solicitor or a Notary Public.
- (4) Within twenty-eight days from the day of the execution of such deed or instrument by the debtor, the same shall be produced and left with the Master of the Supreme Court of this Colony, for the purpose of being registered.
- (5) Together with such deed or instrument there shall be delivered to the said Master an affidavit by the debtor or some person able to depose thereto, or a certificate by the trustee or trustees, that a majority in number, representing three-fourths in value, of the creditors of the debtor, whose debts amount to ten pounds or upwards, have in writing assented to or approved of such deed or instrument, and also stating the amount in value of the property, and credits of the debtor, comprised in such deed.
- (6) Immediately on the execution thereof by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, shall be given to the trustee or trustees.
- (7) And immediately on the execution of any such deed a notice thereof in writing, specifying the immovable property, and rights affecting immovable property, conveyed thereby, shall be given by the debtor, or the trustee, to the Registrar of Deeds.
- (8) Together with such deed or instrument there shall be delivered to the Master of the Supreme Court, a list showing to the best of the knowledge, information, and belief of the debtor or other person by whom the list is made, the debts and liabilities of every kind of the debtor, and the times when such debts and liabilities were contracted or incurred, and the considerations for the same, the names, residences and occupations of his creditors, and the respective amounts due to them, and the securities held by them, and the estimated value of such securities.

Insolvency.

- (9) A statement, showing to the best of the knowledge, information, and belief of the debtor, or other person by whom the statement is made, the debtor's property and credits, and the estimated value thereof.

Master of Supreme Court must register such deeds, and advertise them in *Gazette*.

159. The date, names, and descriptions of the parties to every such deed or instrument, not including the creditors, together with a short statement of the nature and effect thereof, shall be entered by the said Master in a book to be kept exclusively for the purposes of such registration. Such entry shall be made within forty-eight hours after the deed shall have been left with the said Master, and a copy of such entry shall be published in the *Natal Government Gazette* within ten days from the making of such entry.

Notice of list or statement must be given in *Gazette* within time directed by order of Court. Creditors may inspect the same and take copies or extracts.

160. Notice of the leaving of such list or statement, and of any amendments or additions thereto shall be given in the *Government Gazette* within such time after such list or statement shall have been left, as the Supreme Court may direct in any rule or order framed for that purpose; and any person stating himself, in writing, to be a creditor of such debtor, may personally, or by attorney or agent, inspect the lists or statements and any additions or amendments, and may, on application in such manner as the Supreme Court may order or direct, have a copy thereof or extracts therefrom.

All composition deeds between a debtor and his creditors must be registered.

161. Every deed, instrument, or agreement whatsoever by which a debtor, not having been adjudged insolvent by virtue of this or any other Law which may be in force in this Colony, on such behalf conveys, or covenants, or agrees to convey, his estate and effects, or the principal part thereof, for the benefit of his creditors, or makes any arrangement or agreement with his creditors or any person on their behalf for the distribution, inspection, conduct, management, or winding up of his affairs or estate, or the release or discharge of such debtor from his debts or liabilities, shall, within twenty-eight days from and after the execution thereof by such debtor, or within such further time as the Supreme Court, or any Judge thereof, sitting in Chambers, shall allow, be registered in the office of the Master of the Supreme Court, and in default thereof, shall not be received in evidence.

Master of Court must attach memorandum to such deeds.

162. Every such deed, on being so registered as aforesaid, shall have a memorandum thereof written on the face of such deed, stating the day, and the hour of the day, at which the same was brought into the office of the said Master for registration.

The Master must call a meeting of creditors for proof of debts.

163. The Master of the Supreme Court is hereby authorised and required, as soon as practicable after any such deed or instrument shall have been lodged with him for registration under the provisions of this Law, to call a meeting of the creditors named in such deed or instrument to be held within fourteen days after an advertisement in that behalf in the *Government Gazette*, for the purpose of proving debts against the said assigned estate, or against such debtor, such proof of debts shall be made in a like manner and form to proof of debts in insolvent estates, and in the computation of the requisite

Proof to be in same manner as in insolvent estates.

Insolvency.

number and value of such creditors, any creditor who shall hold a preferable security or lien upon any part of the assigned estate shall, in the affidavit produced by him, at the time of proving his debt, put a value upon such security so far as his debt may be thereby covered, and the amount due to such secured creditor, after deducting the value of the securities as so fixed by him, shall alone be reckoned: Provided always, that in all matters affecting the property over which any such secured creditor may hold security, or lien, the said creditor shall be reckoned in number and value for the full amount of his claim.

Securities to be valued and the balance only reckoned in computation of number and value.

Except as to matters affecting the property charged with the security.

164. From and after the registration of every such deed or instrument in manner aforesaid, the debtor and creditor, and trustees, parties to such deed, or who have assented thereto or are bound thereby, shall in all matters relating to the estate and effects of such debtor be subject to the jurisdiction which the Courts of this Colony have in virtue of this Law, and shall respectively have the benefit of and be liable to all the provisions of this Law, in the same or like manner as if the debtor had been adjudged insolvent, and the creditors had proved, and the trustees of such deed or instrument had been appointed trustees of such debtor's estate; and the existing or future trustees of any such deed or instrument, and the creditors under the same, shall as between themselves respectively, and as between themselves and the debtor and against third persons, have the same powers, rights, and remedies, with respect to the debtor and his estate and effects, and the collection and recovery of the same, as are possessed or may be used or exercised by trustees of insolvent estates or creditors with respect to the insolvent, or his acts, estate, or effects in insolvency; and except where the deed shall expressly provide otherwise, the Court shall determine all questions arising under the deed according to the law and practice in insolvency, as far as they may be applicable, and shall have power to make and enforce all such orders as it would be authorised to do if the debtor in such deed had been adjudged insolvent, and his estate were administered in insolvency.

Provisions of Insolvent Laws extended to the parties to such deeds.

165. After notice of the filing and registration of such deed has been given as aforesaid, no execution or other process against the debtor's property in respect of any debt, and no process against his person in respect of any debt other than such process as may be had against a debtor about to depart out of the Colony, or property about to be conveyed out of the Colony, shall be available to any creditor or claimant without leave of the Supreme Court, or of any Judge thereof sitting at Chambers or at any Circuit Court, and a certificate of the filing and registration of such deed under the hand of the said Master, and the seal of the Supreme Court shall be available to the debtor for all purposes of a protection against any process or execution, save as is in this clause mentioned.

Execution against debtor to be stayed, except against absconding debtors.

166. In case of any petition for sequestration against a debtor, after the execution of such deed or instrument as is hereinbefore described, and pending the time allowed for the registration of such deed or instrument, all proceedings under such petition may be stayed if

Petition for sequestration against debtor may be dismissed.

Insolvency.

the Court shall think fit, and in case such deed or instrument shall be duly registered as aforesaid, the petition shall be dismissed.

Provision as to
unknown cred-
itors.

167. If a debtor cannot obtain the assent of a majority in number, representing three-fourths in value of his creditors, by reason of his being unable to ascertain by whom bills of exchange, promissory notes, or other negotiable securities accepted, drawn, made, or endorsed by him, are held, or by reason of the absence of creditors in a foreign country, or other similar circumstances, it shall be sufficient, if he obtains the consent of a majority in number, representing three-fourths in value, of all his other creditors, to such deed or instrument, as aforesaid: Provided that notice shall have been inserted by, or on behalf of, the debtor, in the *Government Gazette*, and in one or more newspapers published in the County or place at which he shall have carried on business immediately prior to the date of such deed or instrument, or if there should be no newspaper published in that town or place, then in one or more newspapers published in the City of Pietermaritzburg, or the Town of Durban, requiring his creditors to signify their assent or dissent, from such deed or instrument, by notice, in writing, addressed to the trustees thereof, within fourteen days from the insertion of such notice, and that the affidavit or certificate of the trustee or trustees shall state the circumstances of the case, and the same shall be allowed by the Court: Provided the deed or instrument be in such form as is expressed in the Third Schedule to this Law annexed, which shall vest all the estate and effects of the debtor in the trustees of such deed: and provided that all such other conditions as are hereinbefore required be duly complied with.

Affidavits and
declarations of
proof to be filed
with Master.

Creditors may
inspect the same
and have copies
or extracts.

168. Every affidavit or declaration of proof by the creditors of such debtor shall be filed with the Master within such time as such rules or orders may direct, and the filing of every such affidavit shall be entered by the Master in a book to be kept by him, as filed in the matter of the deed or instrument executed by such debtor; and any person stating himself in writing to be a creditor of such debtor may, personally, or by attorney or agent, inspect such book, and also every affidavit or declaration filed in the matter of the deed or instrument, executed by the debtor, and may, in such manner as such rules or orders direct, have copies thereof or extracts therefrom.

Any creditor
whose debt ex-
ceeds £10 may
summon the
debtor, &c., to
be examined
concerning the
dealings of deb-
tor or any debt.

169. Any creditor of a debtor executing any such deed or instrument whose debt shall exceed ten pounds may, at any time after the registration of the deed or instrument, apply for, and obtain from, the Supreme or Circuit Court, or the Court of any Resident Magistrate, a summons requiring such debtor or any creditor, or person stated to be a creditor of such debtor, or any person whom the Court shall believe to be capable of giving any information concerning the dealings and transactions of the debtor, to appear at the said Court, or at any place fixed by the Court, upon a day and time to be named in such summons, and then and there to be examined before the said Court, or a Commissioner thereof, concerning the dealings and transactions of any such debtor, or the debt due or stated to be due from the debtor to such or any

Insolvency.

creditor; and such debtor or creditor, or other person, as the case may be, shall be bound to attend at the time and place named in the summons, and to submit himself to examination, and at the conclusion of such examination, the Court or Commissioner, as the case may be, shall determine by whom the whole or any part of the expense of procuring the attendance, and of the attendance of the person examined, and of his examination, and of the attendance of all other parties properly attending such examination shall be borne, whether by the creditor procuring the summons, or by the person examined, or by the debtor, or by trustees or inspectors of his estate, either personally or out of the estate of the debtor, or by the estate of the debtor or otherwise; and an order shall be drawn up by the Court or Commissioner in accordance with such determination, and be enforced against the parties bound by such order, in the same manner that orders under the Insolvent Laws of the Colony are enforced; but nothing in this section shall take away or abridge any jurisdiction or authority belonging to the Court independently thereof.

170. The creditor procuring such summons shall give notice to the trustees or inspectors, if any, acting under the deed or instrument, and, where the summons is directed to a creditor, or the debtor, of the time and place appointed for the examination. The debtor, trustees, or inspectors shall be at liberty to attend such examination, and to take part therein, subject to the direction of the Court.

171. Nothing in this Law contained shall dispense with the necessity of transfer before the Registrar of Deeds of any immovable property comprised in any deed within the provisions of this Law in any case in which such immovable property could or ought to be so transferred if comprised in any deed of sale, or the like, not under this Law, in order that the dominion of such immovable property shall pass from such debtor, but upon any transfer to the trustee of any deed under this Law, in such his capacity, the sum of five pounds may be paid in lieu of transfer dues.

172. In case of a transfer to a trustee under Section 171 of this Law if when the claims of the creditors are fully satisfied, there should remain registered in the name of such trustee any immovable property under such transfer, such property shall be transferred to the assignee free of all transfer dues, stamps, and fees of office.

173. When the estate of any debtor shall have been placed under sequestration by virtue of this Law, the creditors may at the first meeting, or any adjournment thereof, or at any special meeting duly convened to consider the question, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the insolvent debtor, or a proposal for a scheme of arrangement of the insolvent debtor's affairs. The composition or scheme shall not be binding on the creditors unless it is confirmed, by a resolution passed by a majority in number representing three-fourths in value of all the creditors who have proved, at a subsequent meeting of the creditors, and is approved by the Supreme Court. Any creditor who has proved his debt may assent

Person summoned bound to attend and submit to examination. Court or Commissioner shall determine by whom costs shall be paid.

Order as to costs how enforced.

Creditor procuring summons to give notice to trustees or to debtor if summons directed to a creditor. Debtor or trustee may take part in examination.

Transfer of land by debtor necessary.

Any land remaining registered in trustee's name after satisfaction of creditors to be transferred to assignee free of all charges.

Power for creditors to accept and Court to approve composition or arrangement.

Insolvency.

to or dissent from such composition or scheme by a letter addressed to the Master in the prescribed form and attested by a witness so as to be received by such Master not later than the day preceding such subsequent meeting, and such creditor shall be taken as being present and voting at such meeting. The subsequent meeting shall be summoned by the Master, or the trustee if elected prior thereto, by not less than seven days notice, and shall not be held until after the examination of the debtor by this Law provided for is concluded. The notice shall state generally the terms of the proposal. A report thereon by the Master, or by the trustee if elected prior thereto, shall be presented to the said meeting. The debtor, or the trustee, may, after the composition or scheme is accepted by the creditors apply to the Court to approve it, and notice of the time appointed for hearing the application shall be given by advertisement in the *Government Gazette*, published at least seven clear days prior to the day of hearing.

174. The Court shall, before approving a composition or scheme, hear a report of the Master, and a further report of the trustee, as to the terms of the composition or scheme, and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor. If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any cases in which the Court is required under this Law, where the debtor is adjudged insolvent, to refuse his discharge, the Court shall, or if any such facts are proved as would under this Law justify the Court in refusing, qualifying, or suspending the debtor's discharge, the Court may, in its discretion, refuse to approve the composition or scheme. If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or by the terms thereof being embodied in an order of the Court. The Court may also make an order annulling the insolvency and vesting the property of the insolvent in him, or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare. A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in insolvency. A certificate of the Master that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity. The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested, and any disobedience of an order of the Court made on the application shall be deemed a contempt of Court. If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court on satisfactory evidence that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by

Master's and trustee's report upon composition or scheme.

Approval or otherwise by the Court.

Court may annul insolvency and invest the property in the insolvent or other person.

Binding effect of composition.

Proof of validity.

Enforcement by order of Court.

Annulling of composition or scheme and adjudging the debtor insolvent.

Insolvency.

any creditor, adjudge the debtor insolvent, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition, or payment duly made, or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged insolvent under this Law, any debt provable in other respects which has been contracted before the date of the adjudication shall be provable in the insolvency. If under or in pursuance of a composition or scheme a trustee is appointed to administer the debtor's property or manage his business, the provisions of this Law, so far as the nature of the case and the terms of the composition or scheme admit, shall apply to the trustee as if he were a trustee in insolvency, and as if the terms insolvency, insolvent, and order of sequestration, included respectively a composition or scheme of arrangement, a compounding or arranging debtor, and order approving the composition or scheme. No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts, of all debts directed to be so paid in the distribution of the property of a bankrupt. The acceptance by a creditor of a composition or scheme shall not release any person who under this Law would not be released by an order of discharge if the debtor had been adjudged insolvent.

Trustee under composition to be as a trustee in insolvency.

Requirements to be satisfied in any composition or scheme.

Certain persons not released by acceptance by a creditor of composition or scheme.

Effect of composition or scheme.

175. Notwithstanding the acceptance and approval of a composition or scheme, such composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Law, the debtor would not be discharged by an order of rehabilitation or discharge in insolvency, unless the creditor assents to the composition or scheme.

176. It shall and may be lawful for any insolvent at any time after the third meeting of creditors, or in the event of there being only one such meeting of creditors under the provisions of this Law, then at any time, not being less than three months after the said sole meeting of creditors, to lodge with the trustee of the insolvent estate, and a certified copy thereof with the Master of the Supreme Court, a statement of the liabilities and assets of his estate in the form A in the fourth schedule hereto annexed, as near as may be, and shall also, in manner aforesaid, lodge a statement in the form B in the fourth schedule hereto annexed, as near as may be, of the capital of which he was possessed three years prior to insolvency, or at the date of his commencing business in any case where insolvency occurred within three years, and of the gross profits acquired by him during the period to which the statement shall extend, and of the sources of such profits, and of the trade expenses incurred by him in acquiring such gross profits, and of the losses in trade and by bad debts and otherwise, and of his personal expenses. Such statements are hereinafter referred to as the balance-sheet.

Insolvent to lodge with trustee a balance sheet and copy thereof with Master of Supreme Court.

177. It shall and may be lawful for any insolvent, after he has filed with the Master of the Supreme Court the balance-sheet in the preceding section mentioned, to apply to the Supreme Court by motion for his discharge: Provided that at least six weeks' notice of the day on which such motion is to be made shall be given by adver-

Insolvent after filing of balance sheet may apply for rehabilitation

Six weeks' notice to be given.

Insolvency.

Insolvent to
give security
for costs,

tisement in the *Government Gazette*, and that six weeks shall intervene between the filing of balance-sheet and the day of application by the insolvent debtor for his rehabilitation or discharge: Provided also, that no such motion shall be capable of being made until such insolvent shall have given security to the satisfaction of the Master of the Supreme Court in the sum of twenty pounds sterling for the payment of the costs of any person who may appear to oppose such discharge, and to whom the Court may in its discretion see fit to award costs. Each and every such application for the rehabilitation or discharge of an insolvent debtor shall be made in open court.

Insolvent to be
examined before
Master or Resi-
dent Magistrate
twenty-one days
after filing of
balance sheet
by a trustee or
creditor.

178. Every insolvent shall, within twenty-one days after he shall have filed his said balance-sheet, attend before the Master of the Supreme Court, or before the Resident Magistrate, as the case may be, on a day to be appointed by the said Master by notice in the *Government Gazette* and in a local newspaper, to be examined on his balance-sheet and his general dealings, and on all matters relating to his trade, dealings, or estate, and the trustee or trustees, and any creditor who has proved his claim, may, either by himself, his advocate, attorney, or agent, examine such insolvent on said balance-sheet, and generally on all matters relating to his trade dealings or estate either before or after his insolvency. With respect to the summoning of the meeting for the examination of any insolvent upon his balance-sheet, the rules in the first schedule shall be observed, and notice of the appointment be sent by the Master fourteen days at least before the day appointed to each creditor who has proved.

Mode of insol-
vent obtaining
his discharge to
make affidavit.

179. Every insolvent applying to the Court as aforesaid for his rehabilitation or discharge shall make oath, in writing, that he has made a full and fair surrender of his estate, and that he has not granted any preference or security, or made or promised any payment, or entered into any secret or collusive agreement or transaction with intent to persuade his trustee or trustees, or any creditor, to forbear opposing such insolvent's discharge by the said Supreme Court; and upon the day fixed for the hearing of such motion, the insolvent may appear in person or by counsel, and the application may be supported by affidavit or by the examination of witnesses, *viva voce*, before the Court. The trustee or trustees, or any of the creditors of the insolvent who have proved their claims, may appear in person or by counsel and oppose the granting of the discharge aforesaid: Provided, however, that any trustee or creditor so opposing the granting of the insolvent's rehabilitation or discharge must, seven days before the day fixed for such motion, give notice in writing to such insolvent applicant of his intention to oppose, and the grounds of his opposition. The personal attendance of such insolvent at the hearing of such motion shall not be necessary unless the Supreme Court, or any Judge thereof, shall, on the application of any trustee or creditor who has proved, or other person interested, on or before the day fixed for the hearing, so direct. At the hearing the Court may put such questions to the insolvent debtor and receive such evidence as it may think fit.

To appear
personally in
Court.

Trustee or any
creditor may
oppose dis-
charge.

Person opposing
to give notice.

Insolvency.

180. On the hearing of the application, the Court shall take into consideration a report of the Master, as also a report which shall be furnished by the trustee, as to the insolvent's conduct and affairs, and may either grant or refuse an absolute order or discharge, or suspend the operation of the order for a specified time, or grant an order of discharge, subject to any conditions with respect to any earnings or income which may afterwards become due to the insolvent, or with respect to his after-required property: Provided that the Court shall, on proof of any of the facts hereinafter mentioned, either refuse the order or suspend the operation of the order for a specified time, or grant an order of discharge subject to such conditions as aforesaid. The facts hereinbefore referred to are—

Discharge of
bankrupt.

- a. That the insolvent has omitted to keep, in the English language, such books of account as are usual and proper in the business carried on by him, and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency.
- b. That the insolvent has continued to trade after knowing himself to be insolvent.
- c. That the insolvent has contracted any debt proveable in the insolvency without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it.
- d. That the insolvent has brought on his insolvency by rash and hazardous speculations or unjustifiable extravagance in living.
- e. That the insolvent has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him.
- f. That the insolvent has within three months preceding the date of the filing of a debtor's or creditor's petition when unable to pay his debts as they become due given an undue preference to any of his creditors.
- g. That the insolvent has on any previous occasion been adjudged insolvent or made a statutory composition or arrangement with his creditors.
- h. That the insolvent has been guilty of any fraud or fraudulent breach of trust.

For the purposes of this section the report of the Master of the Supreme Court shall be *prima facie* evidence of the statements therein contained. The Court may as one of the conditions referred to in this section require the insolvent to consent to judgment being entered against him for any balance of the debts proveable under the insolvency which is not satisfied at the date of his discharge, but in such case execution shall not be issued on the judgment without leave of the Court, which leave may be given on proof that the insolvent has since his discharge acquired property or income available for payment of his debts. A discharged insolvent shall notwithstanding

Insolvency.

ing his discharge give such assistance as the trustee may require in the realisation and distribution of such of his property as is vested in the trustee.

Effect of order
of discharge.

181. An order of discharge shall not release the insolvent from any debt on a recognizance, nor from any debt with which the insolvent may be chargeable at the suit of the Crown or at the suit of the Sheriff or other public officer, or any person on a bail bond entered into for the appearance of any person prosecuted for any offence, and he shall not be discharged from such excepted debts, unless the Colonial Treasurer certifies in writing his consent to the insolvent being discharged therefrom. An order of discharge shall not release the insolvent from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party. An order of discharge shall release the insolvent from all other debts proveable in insolvency or in any manner claimable against his estate. An order of discharge shall be conclusive evidence of the insolvency, and of the validity of the proceedings therein; and in any proceedings that may be instituted against an insolvent who has obtained an order of discharge in respect of any debt from which he is released by the order, the insolvent may plead that the cause of action occurred before his discharge, and may give this Law and the special matter in evidence. An order of discharge shall not release any person who, at the date of the filing of the debtor's or creditor's petition, was a partner or co-trustee with the insolvent, or was jointly bound, or had made any joint contract with him or any person who was surety or in the nature of a surety for him.

Debtor guilty of
criminal offence
not to be pro-
tected by reason
of discharge.

182. Where a debtor has been guilty of any criminal offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge, or that a composition or scheme of arrangement has been accepted or approved.

Contracts, &c.,
to persuade
creditors to
compound or to
sign certificate
void.

183. All preferences, gratitudes, securities, or payments granted, made, or promised by any insolvent to or in trust for any creditor of such insolvent, and all secret and collusive agreements and transactions intended to persuade any such creditor to forbear opposing the insolvent's application for his rehabilitation and discharge, shall be and are hereby declared to be null and void, and any creditor who shall have received any money, matter, or thing, or promise of the same as a consideration for or inducement to such creditor to forbear opposing the application of an insolvent for his rehabilitation and discharge, shall forfeit a sum equal to the amount of whatever debt such creditor originally proved upon the insolvent estate, together with the amount of whatever money, matter, or thing he may have received from such insolvent as such consideration or inducement as aforesaid; and all such moneys, matters, or things, hereby declared to be claimable or recoverable from any such creditor shall and may be sued for and recovered in any competent Court by the trustee or any creditor of the insolvent who has proved his claim.

Insolvency.

184. The order of Court granting the discharge of any insolvent, absolutely or conditionally, or refusing or suspending the allowance thereof, shall be final and conclusive, and shall not be reviewed by the Court unless the Court shall thereafter see good and sufficient cause to believe that the granting of such discharge, or the refusal or suspension thereof has been obtained on false or insufficient evidence, or by reason of an improper suppression of evidence, or has otherwise been fraudulently obtained. In any of which cases it shall and may be lawful for the Court upon the application of the insolvent, or of the trustee, or any creditor of the insolvent who has proved his claim, and subject to such order as to deposit of a sum for costs, and to such notices to the insolvent, or to any trustee, or creditor who has proved, by advertisement or otherwise as the Court shall think fit to grant a rehearing of the matter, and to rehear the same accordingly. And upon such rehearing the Court shall make such order as to the granting of such discharge or the refusal or suspension thereof as the justice of the case may require, in like manner, upon like conditions, and having regard to the like circumstances, as far as the case will admit, as upon an original hearing. And in case the discharge shall have been previously granted, and upon such rehearing the granting thereof shall not be confirmed, such discharge shall be of no force or effect whatever, but, on the contrary, null and void. Any insolvent who has been refused an order of rehabilitation or discharge may, at any time after the expiration of one year from the date of such refusal, apply by motion to the Supreme Court to allow him to renew his application for his discharge, and the Supreme Court, upon good and sufficient cause being shown, may permit the insolvent to renew such application, and such application shall be made in the same manner and subject to the like conditions as are imposed by this Law on the first application.

Order granting discharge to be final and conclusive.

Mode of review.

Insolvent may renew application for discharge after expiration of a year from former refusal.

185. The Master of the Supreme Court shall enter on record, and have the custody of all proceedings relating to any insolvency under and by virtue of this Law ; and the insolvent, or any creditor who has proved, shall, at all reasonable times, have inspection of the same, and be permitted to take extracts or copies therefrom ; and extracts of such proceedings, signed by the said Master, shall be received as evidence in all Courts of Justice within the Colony.

As to records of proceedings under the Law.

186. A copy of the *Natal Government Gazette* containing any notice inserted therein in pursuance of this Law shall be evidence of the facts stated in the notice. The production of a copy of the *Natal Government Gazette* containing any notice of an order adjudicating a debtor insolvent shall be conclusive evidence in all legal proceedings of the order having been duly made and of its date.

Gazette to be evidence.

187. The forms in the sixth Schedule where applicable, and where they are not applicable forms of the like character, with such variations as circumstances may require, may be used and shall be sufficient in law.

What forms to be used.

Insolvency.

Service of
notices.

188. All notices and all other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

Power of
Supreme Court
to make general
rules.

189. The Supreme Court may from time to time make, revoke, and alter general rules for carrying into effect the objects of this Law, and also touching the form and manner of proceeding under the same, and for regulating the fees payable for matters done under said Law. All general rules made under the foregoing provisions of this section shall be laid before the Legislative Council within three weeks after they are made, if the Legislative Council is then sitting, and if the Legislative Council is not then sitting, within three weeks after the beginning of the then next session of the Legislative Council, and shall be judicially noticed, and shall have effect as if enacted by this Law. Such general rules as may be required for purposes of this Law may be made at any time after the passing of this Law : Provided always, that the said general rules so made, revoked, or altered, shall not extend the jurisdiction of the Court. After the commencement of this Law no general rule, under the provisions of this Section, shall come into operation until the expiration of one month after the same has been made and issued. Until revoked or altered under the provisions of this Law, and so far as the same are not in conflict with or repugnant to the provisions of this Law, the rules of the Supreme Court of 28th August, 1868, 22nd November, 1869, 3rd October, 1873, and 20th July, 1875, shall, so far as the same are applicable, be deemed to be rules framed under the provisions of this Law.

Repeal of Laws.

190. The Ordinances and Laws described in the Fifth Schedule are hereby repealed as from the commencement of this Law. The repeal effected by this Law shall not affect—

- a. Anything done or suffered before the commencement of this Law under any Law repealed by this Law ; nor
- b. Any right or privilege acquired, or duty imposed, or liability, or disqualification incurred under any Law so repealed ; nor
- c. Any fine, forfeiture, or other punishment incurred, or to be incurred, in respect of any offence committed, or to be committed, against any Law so repealed ; nor
- d. The institution or continuance of any proceeding or other remedy, whether under any Law so repealed or otherwise, for ascertaining any such liability or disqualification, or enforcing, or recovering any such fine, forfeiture, or punishment as aforesaid.

Notwithstanding the repeal effected by this Law, the proceedings under any insolvency or assignment under the Insolvent Ordinance No. 24 of 1846, and the Assignment Laws No. 21 of 1868 and No. 11 of 1869, pending at the commencement of this Law, shall, except so far as any provision of this Law is expressly applied to pending

Insolvency.

proceedings, continue, and all the provisions of the Insolvent Ordinance of 1846, and any amendment thereof, and the Assignment Laws of 1868 and 1869 shall, except as aforesaid, apply thereto as if this Law had not passed.

SCHEDULES.

THE FIRST SCHEDULE.

1. The first meeting of creditors shall be summoned for a day not later than fourteen days after the estate of any debtor has been placed under sequestration, unless the Court for any special reason deem it expedient that the meeting be summoned for a later day.

2. The Master of the Supreme Court shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the *Natal Government Gazette*, and in a local newspaper.

3. The said Master shall also, as soon as practicable, send through the Post Office to each creditor mentioned in the debtor's statement of affairs, a notice of the time and place of the first meeting of creditors, but the proceedings at the first meeting shall not be invalidated by reason of any such notice not having been sent or received before the meeting.

4. The meeting shall be held at such place as is in the opinion of the Master most convenient for the majority of the creditors, and be presided over by the Master or the Resident Magistrate.

5. The trustee shall summon a second meeting for the proof of debts not later than fourteen days from the date of his confirmation.

6. The trustee shall summon a third meeting for the proof of debts, and also for laying before the Master or Resident Magistrate, his report as to the condition of the insolvent estate and for receiving from the creditors directions as to the management thereof, such third meeting shall be held not later than one calendar month from the date of his confirmation.

7. The trustee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court or so requested in writing by one-fourth in value of the creditors who have proved.

8. Meetings subsequent to the first meeting shall be summoned by notice in the *Natal Government Gazette*, and in a local newspaper, and by sending notice through the Post Office of the time and place thereof to each creditor at the address given in his proof, or if he has not proved, at the address given in the debtor's statement of affairs, or at such other address as may be known to the trustee summoning the meeting.

Insolvency.

9. The Master shall preside at all meetings in insolvent estates held in Pietermaritzburg, the Resident Magistrate of the division, or some person nominated by him, and failing any such nomination, the Chief Clerk of the Resident Magistrate shall preside at all such meetings held in any place in the Colony other than Pietermaritzburg.

10. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt, proveable in insolvency, to be due to him from the debtor.

11. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

12. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance, if any, due to him, after deducting the value of his security. If he votes in respect of his whole debt he shall be deemed to have surrendered his security, unless the Court, on application, is satisfied that the omission to value the security has arisen from inadvertence.

13. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom an order of sequestration has not been made as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend to deduct it from his proof.

14. It shall not be competent to the trustee, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value as estimated with an addition thereto of twenty per centum: Provided that where a creditor has put a value on such security, he may at any time before he has been required to give up such security as aforesaid correct such valuation by a new proof and deduct such new value from his debt, but in that case such addition of twenty per centum shall not be made if the trustee requires the security to be given up.

15. Every debt against an insolvent estate must be proved to the satisfaction of the Master or Resident Magistrate presiding at any meeting of creditors, who shall admit the debt or reject the same as not proved for the purpose of voting, but his decision shall be subject to appeal to the Supreme Court.

16. A creditor may vote either in person or by proxy.

17. A creditor may give a general proxy to his manager or clerk or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

Insolvency.

18. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof for or against any specific resolution, or for or against any specified person as trustee or member of a committee of inspection.

19. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee in obtaining proxies, or in procuring the trusteeship, except by the direction of a meeting of creditors, the Court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the Committee of Inspection or of the creditors to the contrary.

20. A creditor may appoint the trustee of the debtor's estate to act in manner prescribed as his general or special proxy.

21. The Master or Resident Magistrate, or the person presiding at any meeting of creditors may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place, and whenever practicable notice of any adjournment shall be given in the manner prescribed as to other meetings.

22. A meeting shall not be competent to act for any purpose except the proving of debts and the adjournment of the meeting, unless there are present or represented thereat at least three creditors, or all the creditors, who have proved, if their number does not exceed three.

23. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week, at the same time and place, or to such other day as the Master or Resident Magistrate, or the person presiding, may appoint, not being less than seven nor more than twenty-one days.

24. The Master or Resident Magistrate, or the person presiding at any meeting shall cause minutes of the proceedings at the meeting to be drawn up, and such minutes shall be signed by him. The Resident Magistrate shall certify such minutes and forward in all cases to the Master. The original minutes of all meetings in insolvent estates shall be filed of record in the office of the Master of the Supreme Court, where they shall be open to the inspection of creditors and other persons on application.

25. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner, or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor. Provided that where any person holds special proxies to vote for the appointment of himself as trustee, he may use the said proxies and vote accordingly.

Insolvency.

THE SECOND SCHEDULE.**PROOF OF DEBTS.***Proof in Ordinary Cases.*

1. Every creditor shall prove his debt as soon as may be after the making of an order of sequestration.

2. A debt may be proved by delivering or sending through the post, in a prepaid letter to the Master or Resident Magistrate, or, if a trustee has been appointed, to the trustee, an affidavit verifying the debt. It shall be the duty of the trustee to file the proof at the first meeting of creditors held after the receipt of such affidavit.

3. The affidavit may be made by the creditor himself, or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The Master or trustee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is, or is not, a secured creditor.

6. A creditor shall bear the cost of proving his debt unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting and at all reasonable times.

Proof by Secured Creditors.

8. If a secured creditor releases his security he may prove for the balance due to him after deducting the net amount released.

9. If a secured creditor surrenders his security to the Master or trustee for the general benefit of the creditors, he may prove for his whole debt.

10. If a secured creditor does not either realise or surrender his security, he shall before ranking for dividend, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

a. Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

b. If the trustee is dissatisfied with the value at which a security is assessed he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as, in default of such agreement, the Court may direct. If the sale be by public auction the creditor or the trustee on behalf of the estate may bid or purchase.

Insolvency.

- c. Provided that the creditor may at any time by notice in writing require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realised, and if the trustee does not within six months after receiving the notice signify, in writing, to the creditor his election to exercise the power he shall not be entitled to exercise it.

11. Where a creditor has so valued his security he may at any time amend the valuation and proof on showing to the satisfaction of the trustee or the Court that the valuation and proof were made *bond fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation, but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the trustee shall allow the amendment without application to the Court.

12. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend, any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation before that money is made applicable to the payment of any future dividend; but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

13. If a creditor, after having valued his security, subsequently realises it, or if it is realised under the provisions of Rule 10, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

14. If a secured creditor does not comply with the foregoing rules he shall be excluded from all share in any dividend.

15. Subject to the provisions of Rule 10, a creditor shall in no case receive more than twenty shillings in the pound and interest as provided by this Law.

16. When any rent or other payment falls due at stated periods, and the order of sequestration is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order, as if the rent or payment grew due from day to day.

Interest.

17. On any debt or sum certain payable at a certain time, or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the order of sequestration, and provable in insolvency, the creditor may prove for interest, at a rate not exceeding six per centum per annum, to the date of the order, from the time when the debt or sum was payable, if the debt or

HH

Insolvency.

sum is payable by virtue of a written instrument at a certain time, and if payable otherwise, then from the time when a demand, in writing, has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

Debts payable at a future time.

18. A creditor may prove for a debt not payable when the order of sequestration was granted, as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest, at the rate of six pounds per centum per annum, computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

Admission or Rejection of Proofs.

19. The trustee shall examine every proof, and the grounds of the debt, and shall represent to the Master or Resident Magistrate, as the case may be, his objections, if any, to the admission of such proof. The Master or Resident Magistrate shall, in writing, admit or reject each proof in whole or in part, or may require further evidence in support of it. If he rejects a proof, he shall state, in writing, to the creditor the grounds of the rejection.

20. If the trustee thinks that a proof has been improperly admitted, the Supreme Court, or any Judge thereof, may, on the application of the trustee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

21. If a creditor is dissatisfied with the decision of the Master or Resident Magistrate in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision, and before adjudging finally as to the admission or rejection of any debt, may remit such case to the Master or Resident Magistrate for further proof, or may direct any question of fact to be tried by pleadings and proofs, or adopt such other course as to such Court shall seem fit.

22. The Court may also expunge or reduce a proof upon the application of a creditor if the trustee declines to interfere in the matter, or upon the application of the debtor.

THIRD SCHEDULE.

This deed, made the _____ day of _____
 between A. B. the debtor and C. D. and E. F.,
 the trustees on behalf, and with the assent of the undersigned, creditors of A. B., witnesseth that A. B. hereby conveys all his estate and effects to C. D. and E. F., absolutely to be applied and administered for the benefit of the creditors of A. B. in like manner as if A. B. had been at the date hereof duly adjudged insolvent. In witness whereof, &c.

(Signed) A. B.,

*Insolvency.***SCHEDULE OF CREDITORS.****THE FOURTH SCHEDULE—FORM A.****Statement of Liabilities and Assets.**

Direct Debts due at date of insolvency			Assets Surrendered		
£	s.	d.	£	s.	d.
For Wages or Salaries ...			Cash in hand or in Bank at date of surrender or sequestration		
Upon Promissory Notes, Bills, or Acceptances ...			Bills receivable on hand same date		
Upon Open Accounts ...			Estimated value of Debts due to Insolvent at same date		
Secured by Bond, Deposit of Property, or other- wise			Value of Landed Property Value of Household Fur- niture		
Total direct Debts £			Value of other Assets, if any, specifying them ...		
Proportion of indirect Debts due at date of Insolvency, likely to fall eventually on the Estate (and which pro- portion is to be arrived at by deducting from the total indirect debts the part thereof likely to be borne by persons primarily liable, as between them and the insolvent)			Deficiency between Assets and Liabilities... ..		
	£			£	

THE FOURTH SCHEDULE—FORM B.**Statement showing how Deficiency in above Statement occurred.**

£ s. d.			£ s. d.		
Capital three years prior to insolvency (or at date of commencing business if insolvency happened within three years) ...			Trade expenses within three years from date of insolvency, or since commencement of busi- ness		
Gross profits acquired within the three years, or since commencement of business, stating sources of profits ...			Losses in trade during same period		
Balance showing excess of losses and expenses over and above capital, and gross profit			Personal expenses during same period		
			Losses by bad debts dur- ing same period		
			Losses in respect of in- direct liabilities by de- fault of persons who, as between them and the insolvent, ought to have paid the same during same period		
	£			£	

Insolvency.

THE FIFTH SCHEDULE.

Ordinances and Laws Repealed.

- Ordinance No. 24, 1846.—Ordinance for regulating the due collection, administration, and distribution of insolvent estates within the District of Natal.
- Ordinance No. 6, 1843.—Ordinance for regulating the due collection, administration, and distribution of insolvent estates within this Colony.
- Law No. 27, 1863.—Law to amend Ordinance No. 24, 1846, entitled "Ordinance for regulating the due collection, administration, and distribution of insolvent estates within the District of Natal."
- Law No. 7, 1866.—Law to amend Ordinance No. 24, 1846, entitled "Ordinance for regulating the due collection, administration, and distribution of insolvent estates within the District of Natal," and to make provisions to secure a more expeditious appointment of trustees and liquidation and distribution of such estates.
- Law No. 21, 1868.—Law to amend the Law in relation to trust deeds for the benefit of creditors, composition deeds, and inspectorship deeds executed by debtors.
- Law No. 11, 1869.—Law to amend the Law No. 21, 1868.
- Law No. 22, 1868.—Law to give effect to process of insolvency instituted in the Colony of the Cape of Good Hope as regards immovable property of the insolvent estates situate within the Colony.
- Law No. 11, 1872.—Law to amend certain provisions of the Law No. 27, 1863.
- Placaat of the Emperor Charles V., bearing date the fourth day of October, 1546. Section six thereof.

THE SIXTH SCHEDULE.

Form No. 1.

Debtor's Petition.

To the Honourable the Chief Justice and
Judges of the Supreme Court of the
Colony of Natal.

The petition of [*name, residence, occupation*] humbly sheweth—

That your petitioner by misfortune, and without fraud or dishonesty on his part, hath become and is insolvent and unable to pay his debts; Wherefore he is desirous of surrendering his estate for the benefit of his creditors according to law, and hereby surrenders his estate and prays that the same may be accepted and placed under sequestration.

And in proof of the matter aforesaid your petitioner has annexed hereto a true statement on oath of his whole estate and effects, and the debts, claims, and liabilities affecting the same to the best of his knowledge and belief.

Insolvency.

That your petitioner has not previously surrendered [or had his estate sequestrated] in this Colony

or,

That your petitioner's estate was surrendered [or placed under sequestration as the case may be] on the day of 18 , and that the final account and plan of distribution was confirmed on the day of 18 ; or, and that your petitioner obtained his order of discharge on the day of 18 .

Dated at this day of 18 .
(Signed)

I of , the petitioner above mentioned, do make oath and say that the statements in the foregoing petition contained are true to the best of my knowledge and belief.

Sworn before me at this day of 18 .
(Signed)

(Signed)

Justice of the Peace.

List A.—Unsecured Creditors.

The names to be arranged in alphabetical order, and numbered consecutively, creditors for £10 and upwards being placed first.

No.	Name.	Address and Occupation.	Amount.			Date when Contracted.	Consideration.
			£	s.	d.		

List B.—Secured and Partly-secured Creditors.

No.	Name.	Address and Occupation.	Amount.			Date when contracted.	Consideration.	Particulars of security.	Date when given.	Estimated value of Security.
			£	s.	d.					

Insolvency.

STATEMENT OF AFFAIRS.

<i>Liabilities.</i>		<i>Assets.</i>	
	£ s. d.		£ s. d.
Unsecured Creditors, List A		Immovable property, List E	
Secured and partly Secured		Stock-in-trade, husbandry,	
Creditors, List B		or other movable property	
Liabilities on Promissory		at List F	
Notes or Bills other than		Book debts, List G	
Debtor's own		Cash at bankers	
Acceptances as per List C,		Cash in hand	
of which it is expected		Promissory notes, bills, or	
will rank against the Es-		other similar securities,	
tate for dividend... ..		List H	
Preferential Creditors for		Household furniture, esti-	
rent, rates, taxes, wages,		mated to produce	
&c., as per List D		Other property, List I	
		Deficiency	
	£		£

The above Statement and the several Lists hereunto annexed are, to the best of my knowledge and belief, full, true, and complete statements of my whole estate and effects, movable and immovable, personal and real, in possession, expectancy, or contingency, or to which I have any eventual right, and of all debts due to and by him.

(Signed) _____

Sworn before me at _____ this _____ day of _____ 18

(Signed) _____

Justice of the Peace.

List C.—Liabilities of Debtor on Promissory Notes or Bills other than his own acceptances.

No.	Maker or acceptor's name and address.	Date when due.	Amount. £ s. d.	Holder's name and address.	Amount expected to rank against Estate for dividend.

*Insolvency.**List D.—Preferential Creditors for Rents, Rates, Taxes, and Wages.*

No.	Name of Creditor.	Address and Occupation.

Form No. 2.

Creditor's Petition.

To the Honourable the Chief Justice and
Judges of the Supreme Court of the
Colony of Natal.

Between

A.B., Plaintiff,
and
C.D., Defendant.

The petition of A.B. humbly sheweth,

1. That the above-named C.D., residing at _____, is justly
and truly indebted to me in the sum of £ _____, arising from
and being _____.

2. That I do not, nor does any person on my behalf, hold any
security on the said debtor's estate, or on any part thereof, for the
payment of the said sum ;

or,

That I hold security for the payment of [or part of] the said sum,
and I estimate the value of such security at the sum of £ _____.

3. That C.D. has committed the following act or acts of insolvency—namely [*here set out separately the acts of insolvency, and the several dates thereof*].

4. That I am desirous that an order be granted for the compulsory sequestration of the estate of the said C.D. for the benefit of his creditors.

... Dated at _____, this _____ day of _____, 18 ____.

... (Signed) _____

Insolvency.

I, _____, of _____, the petitioner above-mentioned, do make oath and say that the statements in the foregoing petition contained are true to the best of my knowledge and belief.

Sworn before me, at _____, (Signed)
 this _____
 day of _____, 18 _____,

(Signed)

Justice of the Peace.

Form No. 8.

Petition for the Appointment of a Provisional Trustee.

To the Honourable the Chief Justice and other the Judges of the Supreme Court of the Colony of Natal.

In the Insolvent Estate of

The petition of the undermentioned creditors of the above Insolvent Estate,

Humbly sheweth,

That the said estate was surrendered [or compulsorily sequestrated] as insolvent on the _____ day of _____

That the undermentioned creditors of the said estate have claims against the said estate, to the amount set opposite their respective signatures.

That there are in the said estate the following articles, which are of a perishable nature, and which require to be immediately attended to.

[Here insert any special reasons for the appointment of a provisional trustee.]

That _____ is a fit and proper person to be provisional trustee of said estate.

Wherefore your petitioners most humbly pray that your Lordships will be pleased to appoint the said _____ as provisional trustee of the said insolvent estate, pending the election of a permanent trustee with power to sell perishable articles if need be.

And your petitioners as in duty bound will ever pray.

Dated at _____ this _____ day of _____

Amount of Debt.

A.B.,	...	...	...
C.D.,	...	...	...
E.F.,	...	...	...

Insolvency.

I, of , one of the petitioners above-mentioned, do make oath and say that the statements in the foregoing petition contained are true, to the best of my knowledge and belief.

Sworn this day of

Before me

Form No. 4.

Bond of Trustee.

In the Insolvent Estate of

Know all men by these presents that we, C.D., of and E.F., of , and G.H., of , are jointly and severally held, and firmly bound, to the Master of the Supreme Court in £ , to be paid to the said Master of the Supreme Court, or his assigns. For which payment to be made we bind ourselves, and each and every of us, in the whole, our, and each of our, heirs, executors, and administrators, jointly and severally, firmly by these presents.

Whereas on the day , 18 , A.B., of , was adjudged insolvent, and whereas at the meeting of creditors, under the said insolvency, the said C.D. was appointed trustee of the property of the insolvent, and whereas the said trustee has been directed to give security, by bond, to the Master of the Supreme Court in the sum of £ , with two sufficient sureties thereto :

Now, therefore, the condition of this bond or obligation is such that if the said C.D. shall, and do, from time to time, well and sufficiently perform and execute all and singular the duties required of him as trustee by the Insolvency Laws of this Colony, or any general rule made or hereafter to be made, under such Laws, this obligation shall be void, or otherwise shall remain in full force and virtue.

Dated at this day of 18 , and signed by the above bounden C.D., E.F., and G.H., in the presence of the subscribed witnesses.

As Witnesses :

(Signed)

C.D.

"

E.F.

"

G.H.

Form No. 5.

Certificate of Appointment of Trustee.

In the Insolvent Estate of A.B.

This is to certify that C.D., of , has been duly appointed and confirmed as trustee of the estate of the said A.B., who was adjudged insolvent on the day of 18 .

(Signed)

Master of the Supreme Court.

Insolvency.

Form No. 6.

Notice to Creditors of First Meeting.

In the Insolvent Estate of A.B.

Take notice that the first meeting of creditors in the above matter will be held on the day of at o'clock.

Dated at the day of 18 .

(Signed)

Master of the Supreme Court.

Form No. 7.

Notice to Debtor to attend First Meeting of Creditors.

In the Insolvent Estate of A.B.

Take notice that the first meeting of your creditors will be held on the day of 18 at o'clock, at [*here insert place where meeting will be held*] and that you are required to attend thereat and submit to such examination and give such information as the meeting may require.

And further take notice that if you fail to comply with the requirements of this notice you will be guilty of a contempt of Court, and may be punished accordingly.

Dated at the day of 18 .

(Signed)

Master of the Supreme Court.

Form No. 8.

Notice of Meeting—General Form.

In the Insolvent Estate of

Take notice that a meeting of creditors in the above matter will be held on the day of at o'clock.

Agenda :

[*Here insert purpose for which Meeting was called.*]

Dated at this day of 18

(Signed)

Trustee.

Insolvency.

Form No. 9.

Affidavit for the Proof of an Unsecured Debt.

In the Insolvent Estate of

maketh oath and saith
 that whose estate has been placed
 under sequestration in the hands of the Master of the Supreme
 Court, was, at the issuing of the order for the sequestration thereof,
 and still is, justly and truly indebted to in the
 sum of £ for according to the account
 hereunto annexed; and this deponent further saith that no other
 person besides the said Insolvent is liable for the said debt, or any
 part thereof, and that he hath not, nor hath any other person to his
 knowledge for the use of received any security for the
 same, or any part thereof.

Sworn this

day of

18

Before me—

Form No. 10.

Affidavit for the Proof of Debt on a Promissory Note or Bill of Exchange.

In the Insolvent Estate of

maketh oath and saith that
 whose estate hath been placed under sequestration in the hands of
 the Master of the Supreme Court was, at the issuing of the order
 for the sequestration thereof, and still is justly and truly indebted
 to in the sum of
 for according to the account hereunto annexed,
 and this deponent further saith that he hath not, nor hath any other
 person to his knowledge, or for the use of
 received any security for the said debt or any part thereof, save and
 except the following Promissory Note [or Bill of Exchange.]

Date of Pr. Note [or Bill of Ex.]	By whom drawn.	By whom accepted.	To whom payable, and when.	By whom endorsed.	Amount.

Insolvency.

And this deponent further saith that besides the said insolvent the endorser above mentioned liable to this deponent for the amount of the Note [or Bill] endorsed by as aforesaid

And this deponent lastly saith that the aforesaid Promissory Note [or Bill of Exchange] produced by in proof of debt aforesaid is in all respects genuine and true.

Sworn this day of 18 .

Before me—

Form No. 11.

Affidavit for the Proof of Debt on a Mortgage Bond.

In the Insolvent Estate of
maketh oath and saith that whose estate hath been placed under sequestration in the hands of the Master of the Supreme Court was, at the issuing of the order for the sequestration thereof, and still is, justly and truly indebted to in the sum of £ together with the interest thereon, reckoned at the rate of per cent. per annum, from the day of upon and by virtue of the bond hereunto annexed, passed by the said Insolvent on the day of before under special hypothecation of and for the payment of which are jointly liable with the said Insolvent.

And the deponent further saith that he values the said security at the sum of £ and that he hath not, nor hath any other person to his knowledge, for the use of , received any other security whatever for the said debt or any part thereof.

And this deponent lastly saith that the bond aforesaid produced by him in proof of his debt aforesaid, is in all respects genuine and true.

Sworn this day of 18 .

Before me—

Form No. 12.

General Proxy.

In the Insolvent Estate of A.B.

I, C.D., of , a creditor, hereby appoint E.F. to be my general proxy in the above matter, excepting as to the receipt of dividend.

Dated at this day of 18 .

As witness—

(Signed) C.D.

Insolvency.

Form No. 13.

Special Proxy.

In the Insolvent Estate of A.B.

I, C.D., of _____, a creditor, hereby appoint E.F. as my proxy at the meeting of creditors to be held on the _____ day of _____ to vote for [or against]. [*Here specify the particular resolution or name of proposed trustee.*]

Dated at _____ this _____ day of _____ 18

As Witness— (Signed) C.D.

Form No. 14.*Request to Deliver Bill for Taxation.*

To C. D. In the Insolvent Estate of A. B.

I hereby request that you will, within fourteen days of this date, deliver to the Master of the Supreme Court, for taxation, your bill of costs as attorney or solicitor, failing which I shall, in pursuance of the Law, proceed to file an account declaring and distributing a dividend without regard to any claim you may have against me, or against the estate of the debtor.

Dated at _____, this _____ day of _____ 18 .

(Signed) E. F., Trustee.

Form No. 15.*Notice to Insolvent under Section 150.*

To A. B. In the Insolvent Estate of A. B.

Take notice that I intend to apply to the Supreme Court, on the _____ day of _____, 18 _____, at _____ o'clock, for an order under Section _____ of the Insolvency Law, 188 _____, for the payment of a part of your salary [or income] to me as Trustee for the benefit of the Creditors under your insolvency.

Dated at _____ this _____ day of _____, 18

(Signed) _____ Trustee.

Given at Government House, Natal, this 21st day of November, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.
Colonial Secretary.

Scab.

LAW No. 48, 1887.

(Signed) A. E. HAVELOCK.

To repeal and re-enact with amendments the Law No. 12, 1882, entitled Law "To repeal and re-enact with amendments Law No. 26, 1878," entitled "Law for the better prevention of the disease in sheep called Scab."

Preamble.

WHEREAS it is expedient to make better provision for the prevention of the disease in sheep called Scab, and to make the law in that regard applicable to all parts of the Colony, and for that purpose to repeal and re-enact with amendments the Law No. 12, 1882, entitled Law "To repeal and re-enact with amendments the Law No. 26, 1878, entitled Law 'For the better prevention of the disease in sheep called Scab :'"

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Repeal of Law
12, 1882.

1. The Law No. 12, 1882, shall be and the same is hereby repealed, without prejudice to anything done under the said repealed Law, or to the prosecution of any offences against, or recovery of any penalties incurred under the same, and provided that all Inspectors of Sheep already appointed shall be deemed to be Inspectors appointed under this Law.

Governor in
Council may
appoint In-
spectors.

2. The Governor in Council may from time to time appoint an Inspector or Inspectors of Sheep for this Colony, or for any district thereof, and may from time to time remove or dismiss such Inspector or Inspectors ; and every person so appointed shall have full power at any time to inspect any Sheep within this Colony, or the district thereof for which he shall be appointed, wherever such sheep may be kept, driven, or depastured, and shall have, exercise, and discharge within this Colony, or the district thereof for which he shall be appointed, the several powers, authorities, and duties hereinafter mentioned ; and if any person shall refuse to allow any Inspector to enter upon his land, pasturage, or premises, or to examine any Sheep belonging to him or in his care or possession, or shall attempt to impede or hinder any Inspector from examining such Sheep, or shall not when required by any Inspector render him every reasonable assistance, or after demand made by the Inspector, shall fail to collect and produce to him within reasonable time his flock of sheep, such person shall, on conviction before any Resident Magistrate, forfeit and pay any sum not exceeding Ten Pounds for each offence.

Their powers.

Penalty for
obstructing
them.Duties of
Inspectors.

3. It shall be the duty of each Inspector appointed under this Law to visit each flock in his district at least once in four months. In the event of any flock being declared by such Inspector to be infected with the disease called Scab, the owner of such flock shall be granted a license, conform, as near as may be, to the form of license set forth in the Schedule hereto marked D, to keep such sheep for a period of two months for the purpose of cleaning the same. Every

Scab.

such license shall contain a condition that the sheep thereby licensed shall be properly dipped a certain number of times, the first dipping to be made within twenty days from the date of such license, and the owner shall be required to satisfy the Inspector that every sheep so licensed has been properly dipped as required by the license. At the expiry of such license the Inspector shall re-inspect such flock, and should the same be still infected with scab, the license may be renewed for a further period of two months, and the Inspector shall repeat his inspection every two months until such flock is found clean. Every renewed license shall contain requirements as to dipping similar to those contained in the first license. The first license shall be given free of charge, for the second a penalty of Three Pounds shall be charged, and for every subsequent renewal of the license a penalty of £5 until the flock is clean. And every owner who shall neglect or refuse to carry out the conditions of any such license shall, on conviction, be liable to a fine not exceeding £5 for the first offence, £10 for the second offence, and £15 for any subsequent offence: Provided, however, that it shall be lawful for the Colonial Veterinary Surgeon to extend the period for dipping any sheep so licensed, whenever it may appear to him that such dipping at the times required by the license would be dangerous or injurious to such sheep. All payments in respect of renewals of licenses shall be made to the Inspectors for the respective districts, and if not paid within thirty days from the date of any such renewal shall be recoverable by them in the Courts of the Resident Magistrates having jurisdiction in such districts. Any sheep so licensed shall, whenever grazing upon unfenced land be attended by a shepherd, and for every breach of this provision the owner shall, upon conviction, forfeit a sum not exceeding £5.

4. That every flock-master shall be compelled, during the first fourteen days in the month of December, to dip his sheep once, whether affected or not with the disease called Scab, under a penalty not exceeding £20. This provision to apply in the years 1888 and 1889, and such further period which may be proclaimed by the Governor in Council.

5. It shall be the duty of every person who may be, or may become, possessed of a flock of sheep, to report the circumstance to the Inspector of his district within one month from the date of the commencement of this Law, or within one month from the date of his becoming possessed of a flock of sheep, as the case may be, and at the same time to notify to the Inspector, in writing, the name of his farm and the number and brand of his sheep: Provided, that Native owners may give notice verbally. Any owner neglecting to give such notice, or knowingly make a false return, shall forfeit, on conviction, any sum not exceeding £5.

6. It shall be the duty of every owner of sheep which are or may become infected with the disease called Scab, to give notice in writing at once to the Inspector of his district, and to every occupier of adjoining land who may possess a flock of sheep; and any owner of infected sheep neglecting or delaying to give such notice, shall be liable to a fine not exceeding Twenty-five Pounds. And the

License to keep infected sheep.

Renewal of license.

Payments therefor.

Licensed sheep to be herded.

All sheep to be dipped during the first fourteen days of December in certain years.

Possession of sheep to be reported to the Inspector.

Penalty for default or false return.

Owner of infected sheep to give notice to Inspector and to neighbours.

Scab.

Duties of Inspector thereon.

Inspector, on receiving such notice, as aforesaid, shall thereupon issue, in manner and form aforesaid, a license to keep the infected sheep for the purpose of cleansing the same.

Return to be made to Inspector as per Schedule A.

7. Every owner of sheep within this Colony shall, whenever thereunto required by a notice in writing to be personally delivered to such owner, or left at his usual or last known place of abode in the said Colony, fill up a printed form in terms of Schedule hereunto annexed, marked A (which shall be supplied to him by the Inspector), containing a correct account of all the sheep in his possession or custody, with the marks and brands of such sheep, and deliver the same, or cause the same to be delivered by post or otherwise to the Inspector. And if any such owner shall not, within thirty days after the delivery or leaving of such notice, deliver such account, he shall forfeit and pay, for every such offence, a sum not exceeding Five Pounds. And any person knowingly giving a false return to the Inspector shall be fined a sum not less than Two Pounds nor more than Ten Pounds: Provided that with respect to Natives it shall be sufficient that such notice shall be given and account rendered verbally,

Penalties for default or false return.

Compulsory branding of sheep, and registration of brand.

8. Every owner of sheep shall, within one month after becoming possessed of sheep, or after this Law comes into operation, if not already registered, register or cause to be registered at the office of the Resident Magistrate in and for the district in which the sheep are depasturing, a description of the mark or brand which the proprietor of such sheep uses or purposes to use in marking or branding his sheep. Every owner now, or hereafter, of sheep above the age of six months kept or depastured on any land, shall cause all such sheep to be marked or branded with such mark or brand as aforesaid, not less than three inches in length, in a conspicuous way, with pitch, paint, or some suitable composition, and if any two proprietors of sheep have similar brands, the Inspector may require any owner of any such sheep to alter the brand or mark to prevent mistakes and confusion. And every owner who shall refuse or neglect to register or deliver such description in manner aforesaid, or to brand such sheep and keep them conspicuously branded, or to alter the brand when required by the Inspector as aforesaid, shall, on conviction, forfeit and pay a sum not less than Two Pounds nor more than Ten Pounds for every conviction: Provided that there shall be an interval of not less than one month between any two convictions. And it shall be lawful for the Resident Magistrate to refuse to register a brand which shall have been already adopted and registered by or for another sheep-owner; and a duly registered and authorised brand or mark shall constitute *prima facie* evidence of ownership of any sheep for the purposes of this Law.

Penalty for default.

Registered brand to constitute *prima facie* evidence of ownership.

Impounding of unbranded sheep running on certain lands.

9. Every Inspector or flock-master shall be authorised and empowered to impound unbranded sheep found running on any Crown Lands, Native Location, or Commonage, in any case where no one shall be found to claim the same.

How such sheep are to be released.

The owner of any such impounded sheep who may desire to release them, shall make application to the Resident Magistrate, and shall furnish to him a writing supplied by the poundmaster giving

Scab.

the particulars of such sheep, and such Resident Magistrate, upon being satisfied as to the ownership of such sheep, shall impose a sum not exceeding £5 by way of penalty, upon payment whereof he shall make an order for the delivery of such sheep to the owner, who shall be required to pay pound fees therefor before delivery.

10. If any straying or trespassing sheep infected with Scab, which are unbranded, shall be found straying on any private land, or intermixed with any flock of sheep which are clean within the meaning of this Law, it shall be lawful for the owner of such land or flock, or his authorised agent, upon the authority of the Inspector, or, in the absence of the Inspector, upon the recommendation in writing of two neighbouring sheep-farmers first obtained, to destroy such sheep so infected, provided they do not exceed ten in number; and, in the event of the Inspector not being present, the owner or persons causing such sheep to be destroyed shall forthwith report the fact to the said Inspector, who shall forthwith report the same to the Resident Magistrate of his County or Division. But otherwise, and also in case such sheep shall exceed ten in number, then the owner of the land upon which, or of the flock into which, they have so strayed or intermixed, shall be empowered to at once dip and clean such sheep, and such sheep, after being so cleaned and dipped, shall be sold by auction; the proceeds of such sale, after deducting expenses, to be devoted, first, towards the indemnification for damage done, and payment for the expenses of the owner of the land or of such flock so injured by their trespass, and the over-plus, if any there be, to be paid into the Colonial Treasury: Provided that such sale shall not be made without the authority of the Inspector of the district, nor until after fourteen days' notice of such sale has been given in the *Government Gazette*. And provided that such dipping shall not be carried out without the authority of the inspector, or, in the event of his absence, without the written recommendation of two neighbouring sheep-farmers. All such proceedings taken in the absence of the Inspector shall be reported to the Inspector by the owner or person causing such sheep to be dipped, and the Inspector shall report the same to the Resident Magistrate. And in case such infected sheep are branded, and their owner be known to the owner of the land, or of the flock into which they have strayed or intermixed, then and in that case the owner of such straying or trespassing sheep shall be liable to all the expenses of dipping and cleaning the flocks infected by their trespassing and intermixing, and for any and all damages and expenses occasioned thereby: such damages to be assessed by two neighbouring sheep-farmers, one to be chosen by each party, these two having power to choose a third as umpire; but should the owner of the diseased sheep refuse or neglect to choose an appraiser, then both shall be chosen by the injured party: Provided that such damages are claimed within three months from the date of trespass: And provided further that notice in writing of such trespass of infected sheep shall be given as soon as possible thereafter to the owner thereof; but if the owner of such trespassing sheep shall not be known to the injured party, notice

Destruction of unbranded infected sheep straying or intermixing with other flocks, when less than ten in number.

If more than ten.

If branded.

Liability of owner for expenses and damages. Assessment of damage.

Notice to owner

Scab.

Procedure when sheep are unclaimed.

thereof shall be given by the Resident Magistrate of the County in the *Government Gazette* ; and if within one month after the publication of such notice the sheep shall not be claimed, then it shall be lawful to proceed in the same way as in the case of those found without a brand.

Flock held to be infected if one infected sheep be found therein.

11. If in any proceedings under this Law, any one sheep in a flock is proved to be infected with the disease called Scab, all the sheep in such flock shall be deemed and taken to be so infected.

Sheep infected or dressed for scab within three months not to be removed without authority of Inspector.

12. If any sheep which shall be or shall have been infected with or dressed for the said disease within a period of three months, shall, without the authority in writing of an Inspector, be removed from any land upon which they shall have been kept or depastured, and driven upon or along any road, or upon, over, or across any land in this Colony not being in the actual occupation of the owner of such sheep, and such road not being within the boundaries of the land in the actual occupation of such owner as aforesaid, the owner of such sheep shall be liable to pay a penalty of not less than Five Pounds nor more than Fifty Pounds. And no Inspector shall grant an authority in writing as aforesaid unless he shall have satisfied himself, by personal inspection or otherwise, that such sheep are free from the said disease, or unless the owner shall deliver a declaration to him, previously made and subscribed by such owner before some Justice of the Peace (which declaration such Justice is hereby required to take), that such owner believes the sheep intended to be removed to be then free from disease, and such authority in writing shall remain in force for a period not exceeding ten days ; and the Inspector granting such authority in writing shall at once notify in writing to the Inspector into whose district the sheep may be removed the fact of his having granted such authority in writing.

When such authority may be given.

Duration of authority.

Sheep may be sold where ownership is denied or is uncertain, or where penalty is not paid within three days.

13. If any person against whom any proceedings may be taken under this Law as the owner of any sheep shall deny that he is the proprietor thereof, or that he has any right, title, or interest in such sheep, or if it shall be uncertain who is the proprietor of any sheep in respect of which any proceedings for the recovery of a penalty may have been instituted under this Law, or if the person against whom any owner of any sheep and against whom any order for the payment of any penalty has been made, shall not within three days after the making of such order pay the amount so awarded against him together with the costs, then and in any such case any Resident Magistrate may make an order for the sale of such sheep or so many of them as may appear to be necessary in respect of which such penalty has been imposed ; and such penalty and costs attending the recovery thereof shall be paid out of the proceeds of such sale, and the surplus if any shall be paid to the proprietor of such sheep if claimed within three months from the day of such sale ; but if not claimed, it shall be paid into the Colonial Treasury. But no such order as last aforesaid shall affect or alter the liability of any owner who may be convicted under the provisions of this Law

Scab.

14. Any person who shall import or introduce by land into this Colony, save as is hereinafter provided for in this Law, any sheep affected with scab, and shall cause or suffer it or them to leave the port where landed in this Colony, or the station at which they were introduced, over the boundary into this colony, at any place other than those defined by this Law and by the regulations to be made thereunder shall, upon conviction, forfeit any sum not exceeding Fifty Pounds.

Penalty for importation or introduction of infected sheep, except in compliance with the law.

15. There shall be established at Van Reenen's Pass, on the Drakensberg; De Jager's Drift, on the Buffalo River, and Hancock's Drift on the Umzimkulu River, and at such other places as the Governor in Council may, in his discretion, see fit to appoint, Ports of Entry for Sheep imported into this Colony, and at each such Port of Entry there shall be a Dipping Tank or Tanks, together with the necessary appliances, for the dipping of all sheep for which permission in terms of Schedule B hereunto annexed, to cross the boundary hereinbefore mentioned shall be requested.

Establishment of dipping stations.

16. It shall be lawful for the Governor in Council from time to time to appoint an Inspector or Inspectors, who shall reside at any crossing places which may be hereafter fixed upon, and who shall carry out the provisions of this Law as regards all sheep travelling across the boundary at the places of crossing aforesaid, and shall perform such other duties as may from time to time be assigned to him or them by the Governor in Council. The said Inspector so appointed may from time to time be dismissed by the Governor in Council. Any person who shall in any way impede or hinder any such Inspector or Inspectors from examining such sheep, or from branding or dipping the same, or who shall not, when required by any such Inspector, render every reasonable assistance, shall be liable to the same penalty as is fixed for a contravention of the Second Section of this Law.

Governor in Council may appoint Inspectors at crossing places.

Their duties.

Penalty for obstructing Inspectors.

17. Upon application made by an owner of sheep for that purpose, it shall be the duty of the Inspectors to cause the sheep in respect of which such application shall have been made, to be branded with the registered mark of the owner, and also with a Government brand, and to be properly dipped in the Dipping Tank or Tanks established under the Fifteenth Section hereof; and it shall be lawful for the Inspectors to charge for such branding and dipping, fees at the rate of not less than Threepence nor exceeding Sixpence per head for every sheep so branded and dipped.

On application, Inspectors to brand and dip sheep.

Charges for branding and dipping.

18. Whenever such sheep as aforesaid shall have been branded and dipped, they shall not be permitted to leave any such dipping station without a permit having been issued, in terms of Schedule B hereunto annexed, by the Inspector. And each Inspector granting such permit shall at once advise the Inspector of the district to which any such sheep are travelling of the granting of such permit. Such permit shall endure for ten days, to enable the sheep to reach their destination, and such sheep shall from that time be under the supervision of the Inspector of the district, who shall thereupon issue to the owner or person in charge of the sheep a certificate as

Sheep when branded and dipped not to leave station without permit.

Scab.

in Schedule C hereunto annexed, and the said sheep shall thereafter be deemed so have been legally brought into the district.

Sheep arriving from over the Border to be dipped.

19. All sheep brought into this colony over its borders shall upon arrival at their destination be dipped once, if certified by the Inspector of that District as free from Scab ; if otherwise, they shall be twice dipped, in manner as provided in Section 3 ; the first dipping to be made as soon as possible, and the second dipping within twenty days thereafter. Any breach of this clause shall be punishable by a fine of not less than £5 and not exceeding £20 for each offence.

Owner or lessee of land in Klip River County may bring his flocks across the border into that county once a year for depasturing in the winter, without entering the Colony at a port of entry or dipping the sheep. Proviso.

20. Any flock-master, being the owner or the lessee of land situate in the County of Klip River may bring his flock or flocks across the border into this county once during each year for the necessary pasturing of his flock or flocks on land situate in the said county during the winter months, without being obliged to enter the Colony at any port of entry or to comply with the compulsory dipping insisted upon on that occasion under this Law : Provided, that if such sheep shall be found by the Inspector, after their arrival at their grazing ground, to be scabby, the flock-master introducing such sheep shall be liable to a penalty of not less than £5 nor more than £50. That in all other respects such flock-master shall comply with all other provisions of this Law, and he shall not be allowed to remove such flock or flocks to any other part of this Colony without special permission, for that purpose first had and obtained, from the Inspector of his district.

Dipping to be to the satisfaction of the Inspector.

21. The dipping provided for under this Law shall be to the satisfaction of the Inspector for the District in which the dipping takes place.

Private marks on sheep.

22. Nothing in this Law contained shall prevent any owner of sheep, over and above the brand required by this Law, from cutting his private mark in the ears of his Sheep : Provided, that it shall not be lawful to cut (stump) through either one or both of the ears in such a way as would obliterate the private mark of the owner, under a penalty not exceeding Ten Pounds for each Sheep so unlawfully maimed or cut in the ears, and the forfeiture of the Sheep to the informant or to the owner thereof, if they shall appear to have been stolen or to belong to another person. Every such ear-mark shall be registered at the office of the Resident Magistrate of the District.

Penalty for obliteration.

Registration of earmarks.

23. The Inspectors appointed under this Law shall each be paid at a fixed salary, in lieu of all travelling expenses, such salary to be a sum not exceeding £150 per annum.

Salaries of Inspectors.

Proceedings how instituted.

24. All proceedings for the recovery of any penalty or sum of money and other sums by this Law imposed shall (except where otherwise expressly provided for) be by and at the instance of the Clerk of the Peace of the County, on complaint of an Inspector, or of an owner of sheep, or of any officer of police, and all license fees and penalties shall be paid through the Resident Magistrates into the Colonial Treasury.

Disposal of fees and penalties.

Scab.

25. For the purposes of this Law, one or more sheep kept on the same farm shall constitute a flock.

One or more
sheep to consti-
tute a flock.

26. This Law shall commence and take effect from and after such date as (after promulgation in the *Government Gazette*) shall be fixed by Proclamation by the Governor, and this Law may be cited for all purposes as the "Scab Law, 1887."

Commencement
of Law.

SCHEDULES.

A.

Return for Sheep Inspector for month

Owner's Name.	Farm or Farms.	Number of Sheep.	Clean Sheep.	Sheep affected with Scab.	Mark or Brand.

B.

No.
Permit used

18

I certify that

of Sheep, the property
and dipped, and are at liberty to be driven on the Public Road
from to
Brand
Earmark.

This permit is in force for ten days.

Inspector.

C.

(No.)

Date

18

I certify that

of Sheep, the property
from have been imported into the Colony
provided by Law, and are to be driven to and left at in the manner

Inspector,

District.

LAW No. 48, 1887.

D.

LICENSE UNDER THE SCAB LAW, 1887.

I certify that _____ Sheep belonging to _____
 _____, on farm _____, in Ward No. _____,
 County of _____, are affected with Scab, and I hereby
 grant to the said _____ license to keep the
 same for two months from date in order to clean them.

The said _____ is hereby required to have the said Sheep dipped twice; the first dipping to be made within twenty days from this date; the second dipping fourteen days later.

Dated this day of 18 .

Sheep Inspector,

Ward County of

I hereby certify that the whole of the above flock of Sheep have been dipped on the dates herein set forth :—

	FIRST DIPPING.	SECOND DIPPING.
Commenced	Date.	Date.
Completed		

Date _____

Owner.

Residing at

County of

Given at Government House, Natal, this 21st day of
November, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

Railway Loan.

LAW No. 49, 1887.

Signed A. E. HAVELOCK.

To raise a loan for the construction, equipment, and maintenance of certain railway extensions; for the continuation and completion of the Harbour Works at the Port of Natal; for the refund of a certain sum to the General Revenue; and for certain other Public Works.

WHEREAS it is expedient to make provision for raising by way of loan a sum of money not exceeding £500,000 (Five Hundred Thousand Pounds Sterling), to be applied for the construction, equipment, and maintenance of certain railway extensions in the Colony of Natal; for the continuation and completion of the Harbour Works at the Port of Natal; for the refund of a certain sum to the General Revenue; and for certain other Public Works :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Law may be cited for all purposes as “The Natal Loan Law, 1887.”

Short title.

2. In this Law—

Interpretation.

The expression “the Governor” means and includes the Governor or Officer administering this Government for the time being.

The expression “Debenture” means a debenture or other security issued under the authority of this Law; and

The expression “the Crown Agents” means the Crown Agents for the Colonies in London for the time being.

3. The Governor may from time to time borrow upon debentures, or upon such other form of security as he may think preferable, such sum or sums of money, not exceeding in the whole the sum of £500,000 (Five Hundred Thousand Pounds Sterling), and may employ and empower the Crown Agents or the Colonial Treasurer, as hereinafter provided, to negotiate and to effect the loan hereby authorised, and the amount so raised shall be applied for the following purposes, and for no other purposes—that is to say, the sum of £140,000 (One Hundred and Forty Thousand Pounds Sterling) as a refund to the General Revenue of the Colony of sums heretofore advanced from General Revenue for Railway and Harbour Construction purposes; and the sum of £360,000 (Three Hundred and Sixty Thousand Pounds Sterling) for the construction, equipment, and maintenance of certain Railway extensions in the Colony of Natal; and for the continuation and completion of the Harbour Works at Durban; and for such other public works as may be authorised by the Council.

Governor authorised to borrow £500,000.

Application of moneys borrowed.

4. There shall be borrowed and raised as aforesaid of the said Loan of £500,000 (Five Hundred Thousand Pounds Sterling) during the year 1887, any such sum or sums of money as may be required from time to time for any of the purposes of this Law, not

Not more than £340,000 out of the £500,000 authorised to be borrowed during 1887.

Railway Loan.

exceeding in the whole the sum of £340,000 (Three Hundred and Forty Thousand Pounds Sterling), out of which said sum of £340,000 (Three Hundred and Forty Thousand Pounds Sterling) the sum of £140,000 (One Hundred and Forty Thousand Pounds Sterling) is to be paid as a refund to General Revenue of sums heretofore advanced from General Revenue for Railway and Harbour Construction purposes, and a sum not exceeding £200,000 (Two Hundred Thousand Pounds Sterling) is to be utilised for Railway and Harbour purposes as aforesaid, and for other public works.

5. The Governor may from time to time after the and of the year 1887 borrow and raise any further sum or sums of money out of the Loan of £500,000 (Five Hundred Thousand Pounds Sterling) as may be required for the purposes of this Law, and as may be sanctioned by the Legislature of Natal.

6. When the borrowing shall be upon debentures, such debentures shall be issued in England for sums of not less than One Hundred Pounds each, or for any multiple of One Hundred Pounds upon the best and most favourable terms that can be obtained.

7. The principal money secured by every debenture issued under the authority of this Law shall bear interest at a rate not exceeding Five Pounds per centum per annum, and such principal money and interest shall be and are hereby charged upon and made payable out of the general revenue and assets of the Colony, but subject to all now subsisting debts and sums of money charged on such revenue and assets by virtue of any Law heretofore passed.

8. The interest on the principal money secured by any debenture shall commence from a day to be named in the debenture, and shall be paid half-yearly at the office of the Crown Agents in London, and the principal sum secured shall be paid at the same place.

9. The debentures issued under this Law may be issued at the par value thereof, or at a premium upon or discount from the par value, as the Crown Agents shall deem to be expedient at the time of issue.

10. Every debenture shall be signed by the Colonial Secretary and the Colonial Treasurer of Natal, and be countersigned by the Crown Agents, or one of them as agents or agent for the negotiation of the loan hereby authorised, and be registered before issue in the Register Books to be kept for that purpose in the office of the Crown Agents.

11. To every debenture shall be attached, at the time of the issue thereof, coupons for the payment of the interest upon the principal sum secured by the debenture, to become due in each half-year, either during the whole period during which the debenture shall have to run or a part of such period, as the Governor may determine.

12. Every debenture and coupon shall be transferable, and the right to receive the principal money and interest respectively secured or represented thereby, shall pass by delivery.

13. The Governor shall appropriate and set apart in each half-year, out of the General Revenue of the Colony, a sum sufficient for the payment of the interest accruing in such half-year on the entire

Application of
such moneys.

Any further
sums out of the
£500,000 may be
raised after end
of 1887, and ap-
plied as sanc-
tioned by Legis-
lative Council.
Issue of debentures.

Interest not to
exceed 5 per
cent. per annum.

Calculation and
payment of
interest.
Payment of
principal.

Debentures may
be issued at par,
premium, or
discount.

How signed and
registered.

Coupons.

Debentures and
coupons trans-
ferable.

Appropriation
from General
Revenue of
interest.

Railway Loan.—House Tax.

amount of the principal moneys borrowed under this Law, and for the time being owing, and shall remit the sum so appropriated to the Crown Agents in London in time for the payment of such half-year's interest when the same shall fall due.

14. All moneys borrowed under the authority of this Law shall be applied to and for the purposes for which the same are hereby authorised to be borrowed, and in payment of all costs and expenses of and incidental to the borrowing of the same, and for no other purpose whatever.

15. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Application of
moneys to be
made according
to this Law.

Commencement
of Law.

Given at Government House, Natal, this 21st day of
November, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 50, 1887.

(Signed) A. E. HAVELOCK.

To impose certain Duties on Occupied Dwellings.

Amended by
Law 1, 1888.

WHEREAS it is expedient to increase the Public Revenue by a Tax on Occupied Dwellings :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Upon every structure occupied as a Dwelling within the Colony (and not hereafter exempted) there shall be payable to the Colonial Revenue in each and every year, during the subsistence of this Law, a duty to be assessed and levied upon the following scale :—

Scale of duty
to be levied.

- | | |
|--|------|
| (a) A House occupied by Natives and exempted under Law 13 of 1875 | 14s. |
| (b) House occupied by a Free Indian introduced into the Colony under the Indian Immigration Laws ... | 14s. |
| (c) The duty on Houses occupied by other persons than those named in Sub-sections <i>a</i> and <i>b</i> shall be upon the following scale :— | |
| A House of less value than £100 | 15s. |
| A House of the value of £100, and of a less value than £250 | 20s. |
| A House of the value of £250, and of a less value than £500 | 30s. |

House Tax.

A House of the value of £500, and of a less value than £750	40s.
A House of the value of £750, and of a less value than £1,000... ..	50s.
A House of the value of £1,000, and of a less value than £1,500... ..	70s.
A House of the value of £1,500, and of a less value than £2,000... ..	90s.
A House of the value of £2,000 and over	120s.

Structures
and buildings
exempted from
duty.

2. The following structures and buildings shall be exempt from the duty imposed by this Law :—

- (a) Native Huts which now pay a Native Hut Tax of 14s. under Law 13 of 1875.
- (b) Any House not occupied for six months in the twelve months prior to the 1st of May in any year.
- (c) Houses occupied by Indentured Indian Immigrants.
- (d) Houses provided free of charge by employers for Free Indians who have been in the said employer's service for the first six months of the year.
- (e) Houses provided free of charge by employers, and occupied by, and used solely for, Natives in their service.
- (f) All Government Buildings, and buildings which are exempt from the payment of local rates.

Mode of
valuation.

3. Valuations of Dwellings shall be made in the manner following :—Each householder shall, in the month of May in each year, forward to the Resident Magistrate of his District a declaration in a form to be passed by the Governor in Council, setting out the value of the dwelling occupied by him. The said Resident Magistrate shall have the power to declare the value of the dwelling referred to in the declaration ; and the decision of the said Resident Magistrate shall be final as regards the class to which any building, wherever situate, may belong.

Valuation of
buildings only
part of which
are used for
dwelling pur-
poses.

4. When a building is used partly as a dwelling and partly for other purposes, the portion used as a dwelling shall alone be valued for the purposes of this Law.

Power of Govern-
ment in Council
to appoint per-
son to assist
Magistrate.

5. The Governor in Council is authorised and empowered to appoint proper persons to assist the Magistrates in classifying dwellings according to their character and value, and in preparing and issuing notices, and in receiving declarations, and in carrying out the objects of this Law.

Governor
empowered
to exempt
buildings.

6. The Governor in Council shall have the power to exempt from payment under this Law any building or class of buildings which shall appear to require such exemption, and which have not been specified in this Law.

Duty payable
on 1st July.

7. Payment of the tax shall be made on the first day of July in each year to the Resident Magistrate of the District in which the dwelling is situate.

House Tax.—Stamp Duties.

8. If any person liable for the duty shall make default in the payment thereof for the space of thirty days after the first day of July, he shall be liable to pay in addition to the duty a sum equal to one-fifth thereof, and such additional sum shall, together with the original duty, be deemed to be the tax payable under this Law.

Penalty in default of payment.

9. The duty shall be payable by the occupier of the dwelling.

Duty payable by occupier.

10. The Governor in Council is authorised and empowered from time to time to make, alter, and amend rules and regulations for the better carrying out of this Law, and such rules and regulations shall have full force and effect after publication in the *Government Gazette*, and in one newspaper in Maritzburg and Durban.

Governor empowered to make rules.
Publication of.

11. If any person shall contravene any of such rules and regulations, or shall fail to forward to the Resident Magistrate of his district the declaration required by Section 3 of this Law, he or she shall be liable for each offence to a penalty not exceeding 40s., to be recovered by any Clerk or Deputy Clerk of the Peace, with costs.

Penalty for contravening rules.

12. If any person shall make a false declaration with respect to his dwelling, with the intention of defrauding the Revenue, he or she shall be held to have contravened this Law, and may be prosecuted for such offence by any Clerk of the Peace in the Court of the Resident Magistrate of the District, and on conviction may be sentenced to a fine not exceeding £25, or, in default of payment, to imprisonment for a term not exceeding three months.

Penalty for making false declaration.
How to be enforced.

13. Any sums of money payable under this Law may be distrained for upon the goods and chattels of the defaulter by a summary writ of execution signed by the Clerk of the Resident Magistrate, and the costs of and attendant on the writ of execution may be added to the tax: Provided that no such writ shall issue unless one month's notice shall have been given through the post or otherwise to the occupier of the dwelling.

Moneys payable under Law recoverable by distraint upon goods and chattels of defaulters.
Notice to be given to occupier.

14. [Repealed: *Vide* Law 1, 1888.]

Commencement of Law.

Given at Government House, Natal, this 21st day of November, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.
Colonial Secretary.

LAW No. 51, 1887.

(Signed) A. E. HAVELOCK.

To amend the License and Stamp Law, 1885.

WHEREAS it is expedient that the Revenue of the Colony should be increased by the imposition of certain new Stamp Duties:

Preamble.

Stamp Duties.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Stamp duties specified in Schedule payable.

Terms of Schedule to have effect as if contained in this Law and in Laws 38, 1884, and 30, 1885.

Par. 3 of Schedule K of Law 38, 1884, amended.

Commencement of Law.

This Law to be construed with Laws 38, 1884, and 30, 1885.

Schedule, Amended by Law 31, 1886.

1. All and singular the Stamp Duties set forth in the Schedule hereto shall, from and after the taking effect of this Law, become due and payable for and in respect of the several instruments, acts, matters, and things mentioned and enumerated in the said Schedule; and all and several the directions, explanations, and powers contained in the said Schedule shall be of the same force and effect as if the same had been contained herein and in the "License and Stamp Law, 1885," and Law No. 20, 1885.

2. The paragraph numbered 3 of the Schedule K of "The License and Stamp Law of 1885," shall be and the same is hereby repealed, and the following words shall be inserted in lieu thereof:—"By cheques are meant all drafts or orders on a Bank payable on demand either to bearer or order"; and all drafts or orders payable on demand or at sight drawn otherwise than on a Bank shall be liable to the *ad valorem* stamp duty provided for in this Schedule in respect of Promissory Notes and Bills of Exchange.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*, and shall be read and construed together with the License and Stamp Law, 1885, and the Law No. 20, 1885, as one Law.

SCHEDULE A.

BROKERS' NOTES.

On every bought note and every sold note a stamp duty of 6d. sterling.

All Brokers' notes may be either on stamped paper or may have an adhesive stamp affixed thereon and cancelled.

Every adhesive stamp on any Broker's note shall be cancelled by the broker writing thereon his name, and the date on which he shall write the same.

MISCELLANEOUS.

Every Debenture issued by any Company or Corporation, Municipal or otherwise :—

At the rate of 2s. 6d. for each £100 nominal value : Provided that no debenture shall bear a less stamp than Sixpence.

Every Transfer or cession of any Debenture :

At the rate of 2s. per centum for each £100 or fraction thereof of consideration money : Provided that no transfer or cession shall bear a less stamp than One Shilling.

Every letter of allotment, or every letter having the effect of a letter of allotment, of any share in any company or proposed company, Threepence sterling.

Stamp Duties.—Fees on Passes.

Every certificate of parcels of shares shall carry a stamp of Three-pence for each Ten Pounds Sterling of the subscribed value of the shares.

Every separate share certificate shall carry a stamp of Three-pence for each Ten Pounds of its subscribed value, or fraction thereof.

Each transfer of shares shall carry a stamp at the rate of 2s. 6d. per centum for each £100 or fraction thereof of the consideration money, but no transfer shall bear a less stamp than 2s. 6d.

Every proxy to vote at any meeting of shareholders, or members of any joint stock company, association, syndicate, or society, Three-pence sterling.

Every person who shall grant, issue, or deliver—

- (1) Any proxy to vote at any meeting of shareholders, or members of any joint stock company, association, syndicate, or society ;
- (2) Any letter of allotment, or any letter having the effect of a letter of allotment, of any share in any company, or proposed company ;
- (3) Any scrip certificate, scrip or share, or any transfer thereof ;
- (4) Any Broker's Note ;
- (5) Any Debenture ;

without affixing thereto the stamp by law required, shall be liable on conviction to a penalty not exceeding Ten Pounds Sterling.

Given at Government House, Natal, this 21st day of November, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.

Colonial Secretary.

LAW No. 52, 1887.

(Signed) A. E. HAVELOCK.

To impose certain Fees on Passes issued under the Law No. 48, 1884.

WHEREAS it is expedient that the Revenue of the Colony should be increased by the imposition of certain Fees ; Preamble.

Fees on Passes.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Fee payable for
passes issued
under Law 48,
1884.

1. There shall become due and payable in respect of each pass issued under the Law No. 48, 1884, or by rules and regulations made thereunder, by the person to whom the said pass may be issued, a fee of One Shilling.

Commencement
of Law.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 21st day of
November, 1887.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

House Tax.—Travelling Allowance to Members, Legislative Council.

LAW No. 1, 1888.

(Signed) A. E. HAVELOCK.

To amend Law No. 50, 1887, entitled "Law to impose certain duties on Occupied Dwellings."

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Fourteenth Section of Law No. 50, 1887, entitled "Law to impose certain Duties on Occupied Dwellings," is hereby repealed. Repeal of Law 50, 1887, Sec. 14.

2. In lieu of said Fourteenth Section of the said Law No. 50, 1887, there shall be enacted the following Section :— Law 50, 1887, commencement of,

This Law shall commence and take effect from and after such date as the Governor, with the advice of the Executive Council, shall fix and appoint by Proclamation in the *Natal Government Gazette* : Provided that no such Proclamation shall be issued before the 31st day of December, 1889.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*. Commencement of this Law.

Given at Government House, Natal, this 11th day of April, 1888.

By command of His Excellency the Governor,

(Signed) H. C. SHEPSTONE,
Acting Colonial Secretary.

LAW No. 2, 1888.

(Signed) A. E. HAVELOCK.

To amend the Second Section of Law No. 19, 1887, entitled Law "To make provision for daily travelling allowance to certain members of the Legislative Council."

WHEREAS it is expedient to amend Section 2 of the Law No. 19, 1887 : Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The words "Fifteen shillings" occurring in the 2nd Section of the Law No. 19, 1887, shall be, and the same are hereby, expunged, and there shall be substituted in lieu thereof the words "One Pound Sterling." Amendment of Sec. 2 of Law 19, 1887.

2. This Law shall commence and take effect from and after the First day of January, 1888. Commencement of Law.

Given at Government House, Natal, this 11th day of April, 1888.

By command of His Excellency the Governor,

(Signed) H. C. SHEPSTONE,
Acting Colonial Secretary.

Carriage of Arms, &c.

LAW No. 3, 1888.

(Signed) A. E. HAVELOCK.

Amended by
Law 8, 1888.*To prevent the exportation and the carriage Coast-wise of Arms, Ammunition and Gunpowder, Military and Naval Stores, and other articles.*

Preamble.

WHEREAS it is expedient in certain cases to prohibit Arms, Ammunition and Gunpowder, Military and Naval Stores and other articles, to be exported or carried Coast-wise :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Repeal of Law 8,
1863.

1. The Law No. 8, 1862, entitled Law " To prevent the exportation of Arms, Ammunition, Gunpowder, Military and Naval Stores, and other articles," shall be, and the same is hereby, repealed.

Certain goods
may be pro-
hibited from
being exported
or carried coast-
wise.

2. The Governor of Natal, with the advice of the Executive Council, may order by Proclamation that the following goods be prohibited either to be exported or carried Coast-wise :—Arms, Ammunition, and Gunpowder, Military and Naval Stores, and all Coals and such other articles as the Governor shall judge capable of being converted into, or made useful in increasing the quantity of, Military or Naval Stores, provisions, or any sort of victual which may be used as food for man; and if any goods so prohibited shall be exported or brought to any quay or other place to be shipped for exportation from the Colony of Natal, or carried Coast-wise, or be water-borne to be so exported or carried, they shall be forfeited, and the exporter, or his agent, or the shipper of any such goods, shall be liable to a penalty of One Hundred Pounds.

Penalties for
contravention.Prosecution for
contravention.

3. All contraventions of this Law shall be prosecuted by indictment at the suit of the Queen, by Her Majesty's Attorney-General for Natal, before the Supreme or any Circuit Court.

Commencement
of Law.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 11th day of April, 1888.

By command of His Excellency the Governor,

(Signed) H. C. SHEPSTONE,
Acting Colonial Secretary.

LAW No. 4, 1888.

(Signed) A. E. HAVELOCK.

To raise a Loan for the Construction, Equipment, and Maintenance of certain Railway Extensions and for certain other Public Works in the Colony of Natal.

Repealed by Law 12, 1888.

Railway Extension.

LAW No. 5, 1888.

(Signed) A. E. HAVELOCK.

To empower the Governor to make, maintain, and equip certain Extensions of the Main Line of Railway in the Colony of Natal.

WHEREAS it is expedient that the Railways hereinafter described should be constructed as speedily as may be : Preamble.

And whereas it is expedient that the Governor should be empowered to construct, either departmentally or by a contract or contracts, or in both of such ways, certain Extensions of the Main Lines of Railway in two directions towards the boundaries of this Colony, that is to say, from Sunday's River to a point at or near Coldstream, and from Ladysmith to a point at or near the boundary between this Colony and the Orange Free State, in the Drakensberg Mountains, or any part of either of such Extensions of the Railway :

And whereas it is expedient that the Governor should be empowered to enter into a contract or contracts for the supply of all permanent way materials required for the said Extensions of the Main Line of Railway ; and to provide, either by contract or departmentally, all Station works and Telegraph required for the said Extensions of the Main Line ; and also to maintain, equip, and work the said Extensions of the Main Line of Railway ; and that certain powers and authorities should be conferred on the Governor in relation to the construction, maintenance, equipment, and working of the same Railway :

And whereas certain plans, showing generally the directions and routes of the said proposed Railways, have, before the passing of this Law, been deposited at the office of the Clerk of the Legislative Council :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Law may be cited for all purposes as "The Railway Extensions Law, 1888." Short Title.
2. In this Law the expression "The Governor" means and includes the Governor or other officer administering the Government of Natal for the time being ; and the expression "The Railway" means the lines of railway by this Law authorised to be constructed. Interpretation Clause.
3. The Governor and his successors shall be a Corporation for the purposes only of this Law, and for those purposes shall be entitled and competent to take, hold, and dispose of lands and other property. Governor and his successors incorporated.
4. "The Lands Clauses Consolidation Law, 1872," is, except when expressly varied by this Law, incorporated with and forms part of this Law. Incorporation of Lands Clauses Consolidation Law, 1872.

Railway Extension.

Governor
empowered to
make and main-
tain Railways
and to take
lands.

5. The Governor may make and maintain in the lines according to the deposited plans, or in such of the lines and with such deviations from the deposited plans as the Governor shall think desirable, while preserving the general direction of the Railway as shown on the same plans, the Railway hereinafter mentioned, with all proper stations, sidings, approaches, passing places, electric telegraphs, signals, works, and conveniences connected therewith respectively; and may so make and maintain the same upon such of the lands shown in the deposited plans, or upon such other lands as may be required for the purpose; and may enter upon, take, and use permanently or temporarily all such lands, as aforesaid, as may be so required. All waste lands of the Crown which may be required for the Railway, or any purpose connected therewith, may be taken and used without any charge or payment for the same.

Description of
Railways.

6. The Railway authorised by this Law is as under:—

1st. A line of Railway commencing by a junction with the existing line of Railway at or near to Sunday's River, and terminating at a point at or near the boundary of this Colony upon or near the farm Coldstream, in the County of Klip River.

2nd. A line of Railway commencing by a junction with the existing line of Railway at the town of Ladysmith, and terminating at a point at or near the boundary between this Colony and the Orange Free State, in the Drakensberg Mountains.

Railway may be
constructed
either depart-
mentally or by
contract.

7. The Governor is hereby empowered to construct the Railway, or any part or parts thereof, either departmentally or by a contract or contracts, or partly in the one way and partly in the other, according as he shall deem it to be most expedient.

Railways may be
constructed
simultaneously
or otherwise, and
may be discon-
tinued at any
time.

8. It shall be lawful for the Governor, with the advice of the Executive Council, to construct both the aforesaid lines of Railway simultaneously or otherwise, and, at any time at which he may see fit, to discontinue the construction of either or both the said lines of Railway, and at any time thereafter to recommence and continue the construction of either or both of the said lines; and further it shall be lawful for the Governor, with the advice of the Executive Council, to construct whichever of the said two lines of Railway he shall deem it expedient to construct, and not to construct the other, or to postpone its construction for any period.

Governor
empowered to
enter into con-
tract or contracts
for the execution
of the necessary
works.

9. For the purposes of the construction of the Railway or any part thereof by contract, the Governor may enter into a contract or contracts for the execution of the works required for the above-mentioned Railway, that is to say:—

1st. For the construction of the whole of the works required for the above-mentioned line up to formation level, and including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion.

Railway Extension.

- 2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.
- 3rd. For the provision and erection of all stations, station works, and works accessory thereto.
- 4th. For the purchase and erection of all electric telegraph material.

Provided that it shall be lawful for the Governor to fix and appoint the several sections to be constructed under any such contract, and the time to be allowed for their construction.

Proviso.

10. The Railways shall be constructed as single lines on the gauge of 3 feet 6 inches, but the Governor may from time to time cause double lines to be constructed at such place or places on the course of the said Railways as he may think expedient.

Railways, how to be constructed.

11. The Railways shall in respect of all Crown lands heretofore alienated and granted by the Government in quit-rent, or freehold, or leasehold, or any other tenure whatsoever, and in or over which the Railways or any part thereof shall be made be deemed to be roads made or to be made for the public good by order of Government, and accordingly the proprietors of such lands shall not, except in the cases provided in their several title deeds, leases, deeds of grant, or other documents of title, be entitled to any compensation for the land taken for the purposes of the Railways, and the proprietor, lessee, or other holder of such land so taken for Railway purposes shall, when called upon so to do, duly transfer to the Colonial Government for the purposes of the Railway, and for that purpose shall sign and execute all such deeds and documents as may be requisite and necessary to transfer all his right, title, estate, and interest in and to the said land and the dominion thereof, and such transfer, in accordance with the formalities required by Law and the practice affecting the registration of deeds in the Office for the Registry of Deeds, shall in all respects be passed and executed by and at the cost of the Government, and in the event of the said land, or any right, title, or interest therein being mortgaged or hypothecated, the consent of the mortgagee to such transfer shall in no case be requisite or necessary, and the land so transferred and all right, title, estate, and interest therein shall be vested in the Colonial Government absolutely free and unencumbered : Provided that such portions of the Town Lands of the Townships of Ladysmith and Newcastle as are not now alienated shall be deemed for the purposes of this Law to be Crown Lands heretofore granted, over which the Colonial Government had reserved the right to make roads for the public good by order of Government.

Railways to be deemed public roads.

Transfer of land shall be given when required.

Proviso.

12. The Governor may employ all engineers, clerks, workmen, and other persons for the purposes of the said contract or contracts, and for superintending the construction and maintenance thereunder of the Railway, and for the maintenance and working of the Railway until six months after completion, and pay to all or any such persons such salaries, wages, or remuneration as may from time to time be voted by the Legislative Council.

Governor may employ engineers and others.

Railway Extension.

Governor may provide materials, plants, &c.

13. The Governor may provide all workshops, materials, plant, engines, rolling-stock, machinery, and other things which he may consider requisite for the maintenance, equipment, and working of the Railway, or otherwise necessary or desirable in relation thereto.

Materials, plant, &c., to be admitted into the Colony free of duty.

14. All materials, plant, engines, rolling-stock, and other things imported into the Colony from time to time, for the construction, maintenance, equipment, or working of the Railway, or for any purpose connected therewith, shall be free of import duty.

General powers of the Governor.

15. The Governor may, on behalf of the Colony, make, enter into, and perform all such contracts, and generally may do, or authorise to be done, all such acts and things as he may think necessary or expedient for carrying into effect the purpose of this Law. If the Railway be not constructed departmentally, any contract or contracts so made and entered into shall be subject to the confirmation thereof by the Legislature of Natal. In the event of such confirmation not being given within six calendar months from the date thereof, then at the expiration of such six months everything therein contained shall be void, and of no effect. Notice in writing of confirmation having been given or withheld, as the case may be, shall be given to the contractor or contractors as soon as may be.

Contracts to be subject to the confirmation of the Legislature.

Railways to be exempt from public rates and taxes.

16. The Railway and electric telegraphs, and all stations, lands, works, property, and things belonging thereto or held in connection therewith, shall be for ever exempt from all highway, municipal, police, and other local rates and taxes now or hereafter to be made or imposed.

Governor may appoint persons to carry out this Law, and may delegate powers.

17. The Governor, with the advice of the Executive Council, may, from time to time, appoint some fit person or persons to carry into effect the purpose of this Law, and may delegate to him or them all or any of the powers and authorities hereby conferred on the Governor, and may, from time to time, remove any person so appointed, and appoint another person in his stead.

Governor not to be personally liable.

18. The Governor shall not be personally liable for any loss or damage arising from or caused by anything done under the authority of this Law.

Commencement of Law.

19. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 20th day of April, 1888.

By command of His Excellency the Governor,

(Signed) H. C. SHEPSTONE,
Acting Colonial Secretary.

Customs Duties.

LAW No. 6, 1888.

(Signed) A. E. HAVELOCK.

To repeal and re-enact with amendments the Law No. 15, 1887, entitled Law "To provide for the Rebate of Customs Duties, on Goods, Wares, or Merchandise, including Wines and Spirits, purchased in Natal for the use of Her Majesty's Forces and Military and Naval Officers."

WHEREAS it is expedient to make better provision for the refund of Customs Duty and other duties on Goods, Wares, and Merchandise purchased in the Colony for the use of Her Majesty's Forces and Naval and Military Officers serving on full pay in this Colony, and for that purpose to repeal and re-enact with certain amendments the Law No. 15 of 1887 :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Law No. 15, 1887, entitled Law "To provide for the Rebate of Customs Duties on Goods, Wares, or Merchandise, including Wines and Spirits, purchased in the Colony for the use of Her Majesty's Forces and Military and Naval Officers," shall be and the same is hereby repealed.

Repeal of Law 15, 1887.

2. It shall be lawful for the Collector of Customs, upon the certificate of the Senior Commissariat Officer that the Goods, Wares, Provisions, Stores, or Merchandise upon which a rebate of duty, tug, and wharfage dues is claimed, were purchased in the Colony for the use of Her Majesty's land or sea forces, to refund to the Officer representing Her Majesty's Secretary of State for War the amount of Customs duty, tug, and wharfage dues raised, levied, collected, and paid on such Goods, Wares, Provisions, Stores, or Merchandise, whether the same shall have been levied under the provisions of the "Customs Duties and Transit Dues Law, 1886," or the Law No. 6, 1886, entitled Law "To provide for the continuance of certain Customs Duties, Fees, or Charges imposed by the Steam Tug Loan Law, 1871," or the Law No. 7, 1886, entitled Law "To continue the Law No. 12, 1875, entitled Law 'To enable certain Wharfage Dues to be levied at the Harbour of Port Natal.'" Every such certificate as aforesaid, shall contain a statement showing the date of such purchase or purchases, the quantity, description, price of the Goods, Wares, Provisions, Stores, or Merchandise, the name of the person or firm from whom they were purchased, and such other and further particulars as the Collector of Customs may, with the approval of the Governor, require.

Collector of Customs empowered to refund to Officer representing Secretary of State for War the duty levied under "Customs Duties and Transit Dues Law 1886," or Law 6, 1886, or Law 7, 1886.

3. The Collector of Customs is hereby empowered, upon the application and certificate of the Senior Officer or Head of Department that the wines and spirits in respect of which a rebate of duty is sought were required and purchased in Natal for the use of the Officers of Her Majesty's land and sea forces serving on full pay in

Collector of Customs empowered on certificate of Senior Officer to refund to person supplying wines or spirits duty levied under

Customs Duties.—Warlike Articles.

"Customs Duties
and Transit Dues
Law, 1886," or
Law 6, 1886.

this Colony, to refund to the person supplying the same the amount of Customs duties and tug dues raised, levied, collected, and paid on such wines and spirits, whether the same shall have been levied under the provisions of the said "Customs Duties and Transit Dues Law, 1886," or the said Law No. 6, 1886. Every such certificate as aforesaid shall contain a statement of a like nature to that required by the first section hereof to be contained in the certificate therein mentioned.

Given at Government House, Natal, this 20th day of
April, 1888,

By command of His Excellency the Governor,

(Signed) H. C. SHEPSTONE,
Acting Colonial Secretary.

LAW No. 7, 1888.

(Signed) A. E. HAVELOCK.

*To provide till the 31st day of December, 1890, for the Management
and Working of the Natal Government Railways,*

[Continues Law 9, 1882, until 31st December, 1890.]

LAW No. 8, 1888.

(Signed) A. E. HAVELOCK.

To amend Law No. 3, 1888.

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Provisions of
Sec. 2 of Law 3,
1888, extended to
articles specified
in Schedule.

Law to be
construed as
one with Law 3,
1888.

Schedule.

1. The provisions of the Section No. 2 of Law 3, 1888, shall be deemed to apply to and in respect of the warlike articles enumerated in the Schedule to this Law, in like manner as if the said warlike articles were in the said section expressly inserted and included.

2. This Law shall be read and construed together with the Law 3, 1888, as one Law.

SCHEDULE.

Explosives.

Ingredients used in the manufacture of Explosives.

Marine Engines.

Screw Propellers.

Paddle Wheels.

Warlike Articles.—Natal Loan.

Cylinders.

Cranks.

Shafts.

Boilers.

Tubes for Boilers.

Boiler Plates.

Fire Bars.

Every article or any other component part of an Engine and Boiler, or any article whatsoever which is, can, or may be applicable for the manufacture of Marine Machinery.

Torpedoes.

Torpedo Boats.

Boats filled with apparatus to be used for Torpedoes.

All apparatus for projecting inflammable materials or firing Torpedoes.

Pumps or other machinery intended to be used for projecting inflammable Materials.

Machinery intended to be used in the construction of Torpedoes or Torpedo Boats.

Given at Government House, Natal, this 25th day of August, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 9, 1888.

(Signed) A. E. HAVELOCK.

To amend the Natal Loan Law, 1884.

WHEREAS it is expedient to authorise the payment in England of Interest on certain Debentures to be raised under "The Natal Loan Law, 1884." Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Interest on the principal money secured by any Debenture raised under "The Natal Loan Law, 1884," in this Colony after the passing of this Law, shall be payable either in England at the Office of the Crown Agents in London, or at the Colonial Treasury in Natal.

Interest payable at the Crown Agents' Office in London, or at the Colonial Treasury, Natal, on moneys raised in Natal after passing of this Law.
Commencement of Law.

2. This Law shall commence and take effect from and after date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 4th day of September, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

Customs.

LAW No. 10, 1888.

(Signed) A. E. HAVELOCK.

To amend the Ordinance No. 6, 1855, entitled " Ordinance for the General Management and Regulation of the Customs in the District of Natal."

Preamble.

WHEREAS it is expedient to afford facilities for carrying Colonial Produce, and certain other Merchandise, by sea from different parts of Natal to Port Natal :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Places upon the coast of Natal may be appointed Shipping Places.

1. It shall be lawful for the Governor, with the advice of the Executive Council, to appoint, by proclamation published in the *Government Gazette* any place upon the Coast of Natal other than the Port of Durban, to be a *Shipping Place* for the purposes of this Law.

Shipping Sufferances to call at Shipping Place to bring Colonial produce and certain other articles to Port Natal.

2. The Master of any ship to whom a clearance outwards shall have been granted for any Port in the neighbouring Cape Colony, may apply to the Collector of Customs for a *Shipping Sufferance* to enable such ship—on return to Natal during the same voyage—to call at a shipping place named in such sufferance, and there to take on board goods known as Colonial Produce, and such other articles of Merchandise as have been manufactured in the Colony, or upon which Customs Duty has been paid, such Produce and Merchandise to be brought to, and unladen at, Port Natal. This application may be granted by the Collector of Customs on a bond in the sum of One Hundred Pounds being entered into by the said Master and one approved surety, for the due compliance with the conditions of the said sufferance.

Bond to be given.

Master to report arrival.

3. The Master of a ship arriving at the *Shipping Place* named in the sufferance hereinbefore referred to, shall, within twenty-four hours, report his arrival to the proper Officer of Customs at that place in form and manner as directed, and shall at the same time deliver to him the *Shipping Sufferance* before mentioned, which the officer will retain as his authority to permit the loading only of Colonial Produce and Merchandise hereinbefore described.

Shipping Sufferance to be delivered to Officer of Customs at Shipping Place.

Manifest of cargo taken on board.

4. Before the departure of the vessel with cargo so taken on board, the Master shall make out, and deliver to the proper Officer of Customs, a manifest of the goods, prepared in such form and manner as required by that officer. This Manifest to be in duplicate and signed by the Master—one copy to be retained by the Officer of Customs, and the other, when duly attested, to be given to the Master as clearance for his vessel to Port Natal.

Manifest to be produced to the Collector of Customs at Port Natal.

5. On arrival at Port Natal the manifest of cargo so taken on board under the *Shipping Sufferance* shall be produced to the Collector of Customs, who will direct the disposal of the cargo described in the said manifest as required by the Customs Laws and Regulations

Customs.—Sale of Liquors.

then in force. If any of the conditions or requirements of the *Shipping Sufferance* shall not have been complied with, or if the Master fail to account satisfactorily for the goods taken on Board under authority of the same, the Collector of Customs may declare the Bond given as aforesaid to be at once forfeited, whether as to the whole sum thereby secured or any part thereof.

Forfeiture under bond for non-compliance with conditions of *Sufferance*.

6. Nothing in this Law contained shall be construed to confer upon any *Shipping Place*, constituted for the purposes of this Law only, any of the rights or privileges of a port of entry; nor to make it lawful for any ship to discharge goods at such *Shipping Place*, or by Bill of Lading or other contract to name such *Shipping Place* as the destination of such ship.

Shipping Place not a Port of Entry.

7. Before any ship be allowed to communicate with the shore at the *Shipping Place* named in the *Shipping Sufferance* granted under this Law, the Master shall make signal that he has a clean Bill of Health from the Port he last cleared from, and also that no sickness is then on board his ship: Provided always that any ship so arriving and receiving pratique on such signal shall nevertheless be deemed to be within the provisions of the 6th section of Law No. 8, 1858.

Requirements as to Bill of Health of ship calling at a *Shipping Place*.

vide Law No. 8, 1858, Sec. 6.

Given at Government House, Natal, this 4th day of September, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 11, 1888.

(Signed) A. E. HAVELOCK.

To amend the 8th Section of Law No. 23, 1878, entitled Law "To amend the Ordinance No. 9, 1847, entitled "Ordinance for regulating the sale of Wines and Spirituous and Fermented Liquors within the District of Natal."

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. In Section 8 of Law No 23, 1878, there shall be inserted and added after the words "or any public road" in the fifth line thereof, the words "or on any public or open place or tidal waters."

Sec. 8 of Law No. 23, 1878, amended.

2. This Law shall be read and construed as one with the said Law No. 23, 1878.

This Law to be one with Law 23, 1878.

Given at Government House, Natal, this 4th day of September, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

Railway Extension Loan.—Witnesses, Criminal Cases.

LAW No. 12, 1888.

(Signed) A. E. HAVELOCK.

To raise a Loan for the Construction, Equipment, and maintenance of certain Railway Extensions, and for certain other Public Works, in the Colony of Natal.

Preamble.

WHEREAS it is expedient to raise a Loan of £1,500,000 (One Million Five Hundred Thousand Pounds Sterling), to be applied for the Construction, Equipment, and Maintenance of certain Railway Extensions, and for certain other Public Works in the Colony of Natal :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Repeal of Law No. 4, 1888.

1. The Law No. 4, 1888, "The Natal Government Railway and Public Works Loan Law, 1888," shall be and the same is hereby repealed.

Authorisation of Loan of £1,500,000.

2. The Governor may borrow the sum of £1,500,000 (One Million Five Hundred Thousand Pounds Sterling), either by Debentures or by Consolidated Stock, or partly by one and partly by the other, in accordance with the provisions of the "General Loan Law, 1882," and the amount so raised shall be applied for the following purposes, and for no other—that is to say, for the Construction, Equipment, and Maintenance of certain Railway Extensions, and for such other Public Works as may be authorised by the Legislature of Natal.

Vide Law No. 10, 1882.

Application of Loan.

Short title and commencement of Law.

3. This Law may be cited as "The Natal Government Railway and Public Works Loan Law, 1888," and shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 4th day of September, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 13, 1888.

(Signed) A. E. HAVELOCK.

To regulate the Allowances to be paid to Witnesses in Criminal Cases.

Preamble.

WHEREAS it is expedient to amend the Laws making provision for the payment of Allowances to Witnesses in Criminal Cases and for that purpose to repeal certain Laws, and enact new provisions in lieu thereof :

Witnesses, Criminal Cases.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The following Laws shall be, and the same are hereby repealed :—

Repeal of Laws
No. 33, 1865, No.
9, 1868, and No.
10, 1877.

The Law No. 33 of 1865, entitled Law “To amend the Law for regulating the payment of Witnesses attending to give evidence on Criminal Trials and Preparatory Examinations within the Colony of Natal ;”

The Law No. 9 of 1868, entitled Law “To amend Law No. 33 of 1865 ;”

And the Law No. 10 of 1877, entitled Law “To amend the Law No. 33, 1865.”

2. From and after the passing of this Law expenses shall be allowed to all Witnesses summoned at the public instance, for and on behalf of the prosecution who shall have duly appeared in compliance with the summons at any Criminal trial holden before the following Courts viz. :—

Expenses allowed
to Witnesses
summoned at
public instance
for the prosecution
in certain
Courts at Criminal
Trials.

- a. The Supreme Court of the Colony of Natal ;
- b. Any Circuit Court of the said Supreme Court ;
- c. The Courts of the Resident Magistrates in the several divisions ;
- d. The Native High Court ;
- e. The Court established under and by virtue of the provisions of the Law No. 10, 1876, entitled Law “To make provision for the detection and punishment of Natives wrongfully and unlawfully stealing, killing, stabbing, or wounding cattle, and to make provision with regard to the removal of cattle from place to place within the Colony ;”
- f. The Court or Tribunal constituted under Law No. 10, 1883, for enquiry into charges of incompetency or misconduct of Masters or Mates or Engineers of Ships, and for enquiry into casualties affecting Ships ;
- g. Or any other Court established for the trial of Criminal Cases ;

or at any preparatory examination taken before any Resident Magistrate or Justice of the Peace, unless such Court shall, in its discretion, disallow the expenses of any such witnesses.

Or at preparatory
examinations.

3. Expenses shall also in like manner be allowed to all necessary witnesses summoned at the instance of the prisoner or party accused, and who have duly appeared, but only by order of any of the said Courts in the foregoing section mentioned, to be granted upon an application made at the time of any such criminal trial as aforesaid by or on behalf of such prisoner or party accused, or of the witnesses so summoned and appearing : And provided always that the Judge or other the presiding officer of the said Courts shall be satisfied either by *viva voce* evidence on oath, or affidavit, or otherwise, and shall certify under his hand, or that of the Registrar of the Court, that the said prisoner or accused party is unable from poverty to pay such expenses ; or that by reason of his full acquittal

Expenses allowed
to Witnesses for
the defence by
order of the
Court in certain
cases.

Witnesses, Criminal Cases.

such expenses ought to be allowed, and also that the witnesses summoned and appearing for the said prisoner or party accused were, or might have been necessary for the defence of the prisoner or party accused.

Scale of allowances to be as in Schedule A.

4. The expenses to be allowed to witnesses as a personal allowance to compensate them for trouble and loss of time, and for their reasonable expenses incurred in and about going to, remaining at, and returning from the Court or other place to which they shall be summoned as aforesaid, shall be regulated by, but in no case shall they exceed the scale or allowance of such witnesses' expenses set forth in the Schedule A to this Law annexed.

Method of payment by cheque or draft. (See Schedule B.)

5. The Clerks of the Peace, for the several Counties or Divisions within, or for which they are, or shall be appointed to act, or other officers authorised to act in that behalf, shall, as soon as may be (consistently with their other duties) after all criminal trials at the public instance (save and except criminal trials and preparatory examinations, in the Courts of the Resident Magistrates, or before any Justice of the Peace) on application pay to any witnesses entitled thereto the allowances and expenses by this Law provided, and for such purpose shall make out, sign, and deliver to such witness a cheque or draft on the Treasurer of the Colony of Natal in the form of Schedule B to this Law annexed, if such witness shall have been summoned at the public instance, and in the form of Schedule C hereunto annexed, if such witness shall have been summoned for the defence at any such trial as aforesaid, for the amount due to each and every such witness, and the said Treasurer shall make payment of the amount of every such cheque or drafts drawn on him to the said witness, or to his written order, and the acquittance of the said party by his endorsement on the cheque or draft shall be the discharge of the said Treasurer.

Cheques or drafts to be submitted monthly for the Registrar's certificate.

6. The Treasurer shall, at least once in each month, hand over to the Clerk of the Peace all such cheques or drafts issued under the provisions of this Law, as have been presented for payment and have been paid, and the Clerk of the Peace shall submit the same to the Registrar of the Court before which the trial has been had, and the said Registrar shall thereupon (unless the said Court shall, from any cause, have disallowed to any witness his or her expenses) certify that the several witnesses are entitled to receive payment of their expenses, and that the rates allowed or inserted in the said cheques or drafts are lawful and reasonable, and shall also certify the total amount of each of the several cheques or drafts so made out, signed, and delivered to any witness as aforesaid.

In proceedings before Resident Magistrates or Justices of the Peace payment to be made in coin.

7. All witnesses' expenses which shall become payable under this Law in respect of proceedings which may be conducted in the Courts of the Resident Magistrates, or before any Justice of the Peace in criminal trials and preparatory examinations and other proceedings in criminal cases, shall be paid in coin by the several Resident Magistrates.

Witnesses, Criminal Cases.

8. For the purpose of enabling the Resident Magistrates to make such payments, advances shall from time to time be made by the Colonial Treasurer, whose duty it shall be to take care that such advances be duly accounted for periodically by such Magistrates, the periods of such account not being less frequent than twice in every year.

Advances to Resident Magistrates.

9. No witness shall be entitled to demand, receive, or obtain any cheque, draft or coin for payment of his or her expenses as aforesaid from either of the said Clerks of the Peace, or any other officer, after the lapse or expiration of two clear calendar months from the day upon which any trial or preparatory examination or other proceeding in criminal cases, in connection with which the said expenses are claimed and payable, shall have been finally completed and concluded.

Witnesses not entitled to payment after lapse of two months.

10. The provisions of this Law shall not apply to prosecutions instituted at the instance of any Municipal Corporation or other public body under and by virtue of any Laws now existing, nor to private prosecutions, but only to prosecutions conducted at the public instance by the Attorney-General of Natal, the several Clerks of the Peace, and other officers and persons duly deputed by the said Attorney-General.

This Law not to apply to prosecutions by certain Corporations or public bodies, or by private individuals.

11. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

SCHEDULE A.

Scale of Allowances to Witnesses.

Classification.	Resident in the town in which the cause is tried, or within ten miles thereof.			Resident at a greater distance than ten miles from the place of trial.		
	At per diem.			At per diem.		
	£	s.	d.	£	s.	d.
Medical men, when specially summoned to give medical evidence	1	1	0	1	1	0
Professional men, Magistrates, Surveyors, Engineers, Apothecaries, Chemists, Notaries, Architects, Auctioneers, Accountants, Yeomen, Farmers, &c.	0	10	6	0	15	0
Attorneys' or other Clerks, Master Tradesmen, Master Mariners, Superintendents of Police	0	7	6	0	10	0

Witnesses, Criminal Cases.

	£	s.	d.	£	s.	d.
Other Witnesses, such as Artisans, Labourers, Sailors, Journeymen, skilled Coloured Workmen, &c., European Constables	0	5	0	0	7	6
Native Witnesses, Hottentots, Griquas, and Indians, when not skilled work- men	0	1	0	0	1	6
Females according to station in life.						

Members of the Natal Mounted Police Force, Heads of Departments, and Clerks of any class in the Civil Service of the Colony or any other witnesses, Civil or Military, who may be in receipt of a fixed salary from either the Colonial or the Imperial Government, shall not be paid any personal allowance, but shall only be refunded the actual hotel and travelling expenses expended by them.

Subsistence money at and after the rate specified in the above scale may be allowed witnesses who are detained for the purpose of giving evidence. The payment or allowance of such subsistence money shall be in the discretion of the Attorney-General, whose directions to the Clerk of the Peace shall in each case be conclusive.

In addition to the above scale of allowances, the travelling and hotel expenses of witnesses shall reasonably be allowed, according to the sums *bond fide* and actually paid; but in no case shall they exceed 6d. per mile.

If either the said Clerks of the Peace or any other officer whose duty it may be to make payments under this Law shall deem it necessary, he may, before making payment to any witness, demand that such witness do satisfy him upon oath as to either of the following points:—

- a. The distance travelled and mode of travelling, and
- b. The actual sums expended by such witness as travelling and hotel expenses.

Twenty-five English miles shall constitute a day's journey for a Native of this Colony, or of the surrounding Tribes, a Hottentot, a Griqua, or an Indian summoned as a witness and when travelling on foot. No hotel expenses shall be allowed to any such witness; but travelling expenses shall be allowed in all cases where such witnesses have travelled by the railway, on horseback, or in any public conveyance or other vehicle.

The distance travelled in any day by any witness must not be less than twenty-five miles. Where the distance travelled in any one day is greater than twenty-five miles, regard will be had to the time actually occupied in travelling, whether by railway, post-cart, or on horseback.

Witnesses, Criminal Cases.

SCHEDULE B.

COLONY OF NATAL.

In the

Court.

Prosecution.

To the Colonial Treasurer of Natal.

Please pay to the order of
 a witness in the case Regina *versus* charged
 with the offence of the sum of sterling,
 being his allowance, as per subjoined particulars, for Expenses and
 Attendance at the said Court, on the trial of the case.

Dated the day of 18 .

Clerk of the Peace.

£ s. d.

Actual travelling and hotel expenses for
 distance travelled, miles

Number of days allowed, at per diem

I hereby certify that the above named Witness was necessarily
 brought forward on the Prosecution of this Case, holden at
 on the 18 ; and that the distance and time charged
 are correct.

Clerk of the Peace.

I hereby certify the above amount of
 to be the lawful and reasonable Expenses of the aforesaid Witness,
 and that he is entitled to receive payment of the same.

Registrar,

Court.

SCHEDULE C.

COLONY OF NATAL.

In the

Court,

1886

LAW No. 13, 1888.

Witnesses, Criminal Cases.

Defence.

To the Colonial Treasurer of Natal.

Please pay to the order of
a Witness in the Case Regina *versus*
charged with the Offence of
the Sum of _____ sterling, being
his allowance, as per subjoined particulars, for Expenses, and
Attendance at the said Court on the trial of the Case.

Dated the _____ day of _____ 18 .

Clerk of the Peace.

£ s. d.

Actual travelling and hotel expenses for
distance travelled, miles

Number of days allowed, at _____ per diem

I hereby certify that the above named Witness was brought
forward for the Defence of this Case, holden at
on the _____ 18 ; that the distance and time charged are
correct, and that an order for the payment of
expenses was duly made.

Clerk of the Peace.

I hereby certify the above amount of _____ to
be the lawful and reasonable expenses of the aforesaid Witness, and
that he is entitled to receive payment of the same.

Registrar, Court.

Given at Government House, Natal, this 4th day of
September, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

Definition of word "Native."

LAW No. 14, 1888.

(Signed) A. E. HAVELOCK.

To extend and define the meaning of the word "Native."

WHEREAS it is expedient to define and extend the meaning of the word "Native," contained in certain Laws and Ordinances in the Colony of Natal :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The words "Native" or "Native of this Colony" whenever used in any Ordinance, Law, Proclamation, Regulation, Rule, or Order lawfully made or issued, shall be deemed to mean and to have meant, and to include and to have included, all members of the Aboriginal Races or Tribes of Africa south of the Equator, including liberated Africans, commonly called Amandawo, who are not exempted from the operation of Native Law in terms of Law No. 28 of 1865 : Provided, that Griquas and Hottentots shall not come under the provisions of this Law : Provided further, however, that the provisions of Law No. 22 of 1878, entitled "Law to prohibit the sale and disposal of Spirits and other intoxicating Liquor to persons of the Native Race," shall extend and be applicable to Griquas and Hottentots.

Definition of the words "Native" and "Native of this Colony."

Vide Law 28, 1865.

Griquas and Hottentots excepted, save as to the provisions of Law 22, 1878.

2. The provisions of any such Ordinances, Laws, Proclamations, Regulations, Rules, or Orders in so far as the same may affect or be applicable to the Natives of Natal, civilly or criminally, shall extend and apply to, and be in force over and among any members of the Aboriginal Races or Tribes of Africa, south of the Equator, as defined in the preceding Section, while, and so long as any such Native shall be sojourning in, or be resident in Natal.

Laws, &c., affecting Natives of Natal to apply to Natives as defined in Sec. 1 while sojourning or resident in Natal.

3. In any proceeding, civil or criminal, against any person cited or summoned as being a Native within the provisions of this Law, unless the person so cited or summoned shall prove to the satisfaction of the Court that he is not a Native subject to the provisions of this Law, he shall be deemed and taken by the Court to be a Native, and subject to the operation of this Law.

Persons cited or summoned in any proceedings as Natives to be deemed Natives, unless they prove the contrary.

Given at Government House, Natal, this 24th day of September, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,

Colonial Secretary.

KK

Mounted Police.

LAW No. 15, 1888.

(Signed) A. E. HAVELOCK.

*To amend the Law No. 5, 1876.***Preamble,**

WHEREAS difficulties exist as to carrying out in some respects the provisions of the Twenty-sixth and Twenty-seventh Sections of the Law No. 5, 1876, and it is expedient to make alteration in that behalf :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

What shall be presumed to be things forbidden by Sec. 26 of Law 5, 1876, to be sold, pledged, or disposed of.

1. Any horse, saddle, bridle, gun, pistol, ammunition, weapon, police uniform, or part thereof, respectively, sold, pledged, or otherwise disposed of by any policeman, shall, in and for the purposes of any prosecution under the said Twenty-sixth Section of the said Law No. 5, 1876, or this Law, be presumed to be a thing, the sale, pledge, or other disposition whereof is forbidden by the said Twenty-sixth Section, until and save so far as it shall otherwise be shown.

Repeal of Sec. 27 of Law 5, 1876.

2. The said Twenty-seventh Section of the said Law No. 5, 1876, is hereby repealed.

Penalty for being a party to any sale, pledge, or disposition referred to in Sec. 1.

3. Any person who shall be a party to any sale, pledge, or other disposition, referred to in the first section hereof, by any policeman then known to be such by such party, or who at the time of such transaction shall have been dressed wholly or partly in anything that is then distinctive of policeman uniform, shall be liable to prosecution in respect of being so a party, and on conviction to be fined in a sum not exceeding Twenty Pounds, and in default of immediate payment of such fine to imprisonment, with or without hard labour, for any period not exceeding three months : Provided always that any person who shall receive or be a party to receiving, the subject matter of any such sale, pledge, or disposition as is in this section above referred to, then knowing that the seller, pledger, or disposer was when doing so a policeman, or dressed wholly or partly in policeman uniform, shall be deemed to be such party to a disposition as is first referred to in this section.

Who shall be deemed to be a party to a disposition.

Forfeiture of things so disposed of to Government.

4. When any transaction in respect of any thing shall be null and void under the said Twenty-sixth Section as explained by this Law, such thing shall thereby become forfeited to the Colonial Government, discharged from any claim in respect thereof of any person, and application may be made on behalf of the said Government to any Resident Magistrate having jurisdiction in respect of the place where such thing may then be, to order delivery thereof to any person on behalf of the said Government at its expense.

Delivery may be ordered to be made to Government at its expense.

Interpretation of "Policeman" and "Police."
Vide Law 5, 1876, Sec. 29.

5. The term Policeman or Police used in this Law shall be deemed to mean, or be connected with, any member of the force which may be within the provisions of the said Law No. 5, 1876, save as is provided by the Twenty-ninth Section thereof.

Mounted Police.—Railway Loans Balances.

6. In and for the purposes of any prosecution hereinbefore referred to under the said Law No. 5, 1876, or this Law, the thing in respect whereof any transaction shall occasion the prosecution may either be described as being the property of the Colonial Government, without necessity for proof of its being so, or may not be described as the property of anyone.

Description of a thing in prosecutions under Law 5, 1876, or this Law.

Given at Government House, Natal, this 24th day of September, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 16, 1888.

(Signed) A. E. HAVELOCK.

To provide for the appropriation of the unexpended balance of moneys borrowed under the authority of certain Laws in the Equipment and Reconstruction of Open Lines of Railway.

WHEREAS the moneys authorised to be raised and borrowed by the following Laws, viz. : Law No. 5 of 1875, entitled Law "To raise a Loan for the Construction and Equipment of certain Railways in the Colony of Natal" ; Law No. 35 of 1880, entitled Law "To raise a Loan for the Construction and Equipment of certain Railway Extensions in the Colony of Natal, and for certain other purposes" ; and Law No. 44 of 1884, entitled Law "To raise a Loan for the Construction and Equipment of certain Lines of Railway in the Colony of Natal, and for other purposes" ; a certain balance now remains unexpended after the purposes for which the Loans were authorised to be raised have been effected, and it is expedient to devote such balance to purposes similar to those contemplated by the said Laws, for the more effectual carrying out of the objects of those Laws, to wit, to equip and reconstruct as may be necessary the lines of Railway now open for traffic :

Preamble.

Be it therefore enacted by the Governor of the Colony of Natal, by and with the advice of the Legislative Council thereof, as follows :—

1. The unexpended balance of moneys raised under authority of the Laws No. 5 of 1875, No. 35 of 1880, and No. 44 of 1884, respectively, shall be formed together into a common fund, to be called "The Railway Loans Balance Fund."

Unexpended balance of loans under Laws 5, 1875 ; 35, 1880 ; and 44, 1884 ; formed into a fund.

Railway Loans Balances.—Electric Telegraph.

Appropriation of fund.

2. It shall be lawful for the Governor, with the advice and consent of the Executive Council, from time to time, as may be required, to authorise the appropriation and expenditure of moneys out of the said Railway Loans Balance Fund in the carrying out of any necessary works of repair and reconstruction of any lines of Railway open for traffic, and in the purchase and completion of any equipment required for the exigencies of the service thereof, as per Schedule hereunto annexed.

Vide Schedule.

Schedule.

SCHEDULE OF PROPOSED EXPENDITURE UNDER THIS LAW.

			£	s.	d.
Bridge Re-construction	...	...	14,360	8	7
Workshops	...	...	11,000	0	0
Barracks	...	...	2,000	0	0
Additional Wire, Durban to Pietermaritzburg			656	5	0
Weigh Bridge, Ladysmith	...	...	500	0	0
Goods Forwarding Shed, Durban...	...	...	1,221	0	0
Station Buildings and Sidings, Avoca	...	...	500	0	0
Stationmaster's House and Sidings, Dargle Road			607	0	0
Waiting and Refreshment Rooms, Ladysmith			750	0	0
Fifteen Wagons	...	...	700	0	0
Three Locomotive Engines	...	...	1,950	0	0
Additional Rolling Stock	...	...	7,514	5	1
			<hr/>		
			£41,758	18	8

Given at Government House, Natal, this 24th day of September, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.
Colonial Secretary.

LAW No. 17, 1888.

(Signed) A. E. HAVELOCK.

To Extend the Advantages of the Electric Telegraph.

Preamble.

WHEREAS it is expedient to extend the advantages of the Electric Telegraph :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Transmission by telegraph of summons or other communication.

1. Any summons, writ, warrant, rule, order, notice, or other process, document, or communication which by any Law, rule of Court, agreement of parties, or by any regulation made under the authority of this Law, is required or directed to be served upon any person, in order that such person may be affected thereby, may be

Electric Telegraph.

transmitted by telegraph, and a telegraphic copy served upon such person, or left at his house, or place of abode, or business, shall be of the same force and effect as if the original had been shown to, or a copy thereof served upon, such person, or left as aforesaid, as the case may be.

Service of telegraphic copy.

2. A telegram from any judicial, or police officer, or the Sheriff or any Deputy Sheriff, stating that a warrant or writ, not being a writ of arrest under Civil process, has been issued for the apprehension or arrest of any person accused of any crime or offence, or to appear in or answer to any civil suit, action, or proceeding, shall be a sufficient authority to any officer by law authorised to execute any such warrant or writ for the arrest and detention of such person in this Colony until a sufficient time, not exceeding ten days, has elapsed to allow of the transmission of the warrant or writ to the place where such person has been arrested or detained, unless the discharge of such person is previously ordered by a Judge of the Supreme Court: Provided that any such Judge may upon cause shown order the further detention of any such person for a period to be stated in such order, but not exceeding twenty days from the date of the arrest of such person.

Execution of warrant of arrest under authority of a telegram in criminal cases.

Detention not to exceed ten days.

Unless by order of a Judge.

3. The Judges of the Supreme Court, acting in pursuance of any Law for the time being regulating the making of general rules of Court, may from time to time make and alter rules for more effectually carrying out the object of this Law in regard to the use of the telegraph for the service of any notice, process, or proceeding in any of the Courts of this Colony, or the execution of the process of any such Court.

Judges of Supreme Court may make rules in regard to service or execution of process by telegraph.

4. The notification of a candidate's acceptance of a duly signed requisition to become a candidate for any Electoral District in terms of the thirteenth section of the Royal Charter of Natal, bearing date 15th July, 1856, may be transmitted by telegraph to the Resident Magistrate of such Electoral District, and a telegraphic message from such duly requisitioned candidate, if received by such Resident Magistrate not less than fourteen days before the date appointed for the taking place of any such election, shall be deemed to be a notification of the said candidate's acceptance of such requisition for the purposes of the said thirteenth section of the Royal Charter of Natal.

Acceptance of a requisition for election may be transmitted by telegraph.

Vide Charter of 15th July, 1856, Sec. 13.

5. Any person who shall without lawful authority or excuse (the proof whereof shall be upon the person accused), sign the name of any other person to any telegraphic message with intent to procure such message to be sent as a message from such other person, shall, upon conviction, be liable to be imprisoned with or without hard labour for any period not exceeding six months.

Penalty for signing another's name upon a telegram.

6. Any person charged with the delivery of any telegraphic message who shall wilfully deliver such message to any person other than the person to whom the same shall be addressed, or other than the agent or representative of such last mentioned person, shall, upon conviction, be liable to a penalty not exceeding Twenty Pounds, or to

Penalty for false delivery of a telegram.

Electric Telegraph.—Kafir Beer.

imprisonment, with or without hard labour, for any period not exceeding six months.

Short title of
Law.

7. This Law may be cited as "The Telegraphic Messages Law, 1888."

Given at Government House, Natal, this 24th day of
September, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 18, 1888.

(Signed) A. E. HAVELOCK.

*For regulating the sale of Kafir Beer, commonly known as
"Utywala."*

Preamble.

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Stamp Duty
upon License to
sell Utywala.

1. There shall be added to Schedule A of "The License and Stamp Law, 1885," in the list of annual licenses therein contained, the following further items :—

License to sell Kafir Beer, or Utywala, for one year, £4.

Ditto. do. for six months, £2 10s.

Application for
License.

2. Every person being desirous of taking out a license for the sale of Kafir Beer, or Utywala, shall make an application in writing to the Resident Magistrate of the Division in which he resides, setting forth the place or premises for which the license is intended to be obtained. The Resident Magistrate shall thereupon cause a copy of the said application to be published at least twice in the *Government Gazette*; and shall also cause to be affixed, in some conspicuous place outside and inside his office, a notice containing the name of the applicant, the description of the premises intended to be licensed, and the day on which the Licensing Board of the Division will meet to consider the application and any objections thereto; and such notice shall be affixed for the space of fourteen days at least next before the day last mentioned.

Publication of
notice.

Licensing Board
to hear and de-
termine upon
application and
objections, with
absolute discre-
tion and without
appeal.

3. The Licensing Board of the Division appointed under the provisions of the Law No. 23, 1878, shall, upon the day fixed for the hearing of the application, consider and determine upon the application, and shall hear the objections, if any, of any person or persons whether grounded on the character, misconduct, or unfitness of the applicant, or unfitness of the place or premises; and shall also hear what shall be urged by the applicant in answer to such objections

Kafir Beer.—Volunteer Force.

and shall grant or refuse the license applied for ; and the granting or refusing any such license, or the renewal of a license, shall be absolutely in its discretion, without right of appeal: Provided that no such license shall be granted in respect of any premises situated within two miles from the nearest boundary of any Borough established under the provisions of Law No. 19, 1872, or of any township established under the provisions of Law No. 11, 1881, or within two miles from any other premises licensed under the provisions of this Law, or of the Ordinance No. 9, 1847, and the Law No. 23, 1878.

No premises to be licensed within two miles from a borough or township or from any other licensed premises

4. It shall not be lawful for any person keeping a tavern, canteen, or tap, licensed under the provisions of the Ordinance No. 9, 1847, and the Law No. 23, 1878, to hold a license under this Law for the sale of Kafir beer, or Utywala.

No person keeping premises licensed under Ord. 9, 1847, and Law 23, 1878, to hold license for sale of Utywala.

5. All the provisions of Sections 17, 18, 20, 21, 22, 23, 24, 25, 34, 35, 36, 37, 38, 39, and 40 of Ordinance No. 9, 1847, and of Section 7 of Law No. 23, 1878, shall be deemed to be included in and to form a part of this Law in like manner as if herein expressly contained, but so that the liquors and the licenses referred to in the afore-recited sections shall be taken to mean and refer respectively to Kafir beer or Utywala, and to the licenses provided for under this Law ; and the terms inn, canteen, tap and public-house in the aforesaid Ordinance and Law shall be deemed to mean and refer to premises licensed under the provisions of this Law.

Certain sections of Ord. 9, 1847, and Law 23, 1878, included in this Law.

6. Whenever a fine, penalty, or forfeiture shall be paid by, or received from, any person upon conviction of an offence against the provisions of this Law, it shall be lawful for the Resident Magistrate to award one-half of such fine, penalty, or forfeiture, to the person upon whose information the conviction shall have been had.

One-half of penalty or forfeiture may be awarded to informer.

Given at Government House, Natal, this 24th day of September, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 19, 1888.

(Signed) A. E. HAVELOCK.

To Repeal and Re-enact, with Amendments, the Law No. 27, 1885, entitled Law " For the better regulation of the Volunteer Force in the Colony of Natal."

BE IT ENACTED, by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Law No. 27, 1885, entitled Law " For the better regulation of the Volunteer Force in the Colony of Natal," and the Law No. 22, 1887, entitled Law " To amend certain sections of Law No.

Repeal of Laws.

Volunteer Force.

27, 1885, entitled Law 'For the better regulation of the Volunteer Force in the Colony of Natal,' shall be, and the same are hereby, repealed, save only and except so far as regards all proceedings taken or commenced before this Law shall come into operation under or in execution of the said Laws, all which proceedings shall be as valid to all intents and purposes as if this Law had not been passed; and save also and except so far as regards all appointments, enrolments, rules, regulations, and orders made under the said Laws, which, until revoked, altered or amended, and save so far as they are not in conflict with any of the provisions of this Law, shall continue in force and be deemed to be appointments, enrolments, rules, regulations, and orders under this Law; and save only and except so far as regards any right acquired, or thing done, or any liability accruing before the passing of this Law.

CONSTITUTION AND ORGANIZATION OF THE FORCE.

Formation of
Volunteer Corps.

2. The Governor may accept the services of any persons desiring to be formed into a Volunteer Corps under this Law; and upon such acceptance the proposed corps shall be deemed to be lawfully formed under the provisions of this Law: Provided that no new corps can be formed in a locality where a corps of the same arm of the service exists.

Corps already in
existence.

3. Volunteer Corps in existence at the date of the promulgation of this Law shall be deemed to be corps formed under this Law.

Volunteer Force
unlimited in
number.

4. There shall be no limit as to the number of men of which the Volunteer Force of the Colony may consist.

Arms of which
Force composed.

5. The Volunteer Force shall be composed of the following arms, viz., Naval, Cavalry, Field Artillery, and Rifles.

Governor to be
Commander-in-
Chief.

6. The Governor shall be the Commander-in-Chief of the Volunteer Force, and shall have all the powers, and may exercise all the duties and obligations pertaining to the office of Commander-in-Chief respecting the Volunteer Force, or any part thereof.

Calling out
Volunteer Force
for actual mili-
tary service.

7. In case of sufficient cause to him appearing, the Commander-in-Chief may call out the whole or any portion of the Volunteer Force of the Colony for actual military services, and the said force, or the portion thereof so called out, shall be deemed to be on actual military service, until the service of the Force, or portion of the Force so called out, shall be dispensed with by the Commander-in-Chief: Provided that no Volunteer shall be liable to be ordered beyond the limits of the Colony unless he expresses his willingness to extend his services beyond such limits.

Proviso.

Calling out of
Force for certain
military duties.

8. It shall be lawful for the Commandant of Volunteers, upon sufficient cause to him appearing, to call out any portion of the Volunteer Force of the Colony, for any period not exceeding one day, for any escort duty, garrison duty, or any other military duty of a similar nature.

Qualification for
membership.

9. No person shall be eligible to become a member of the Volunteer Force until he shall have attained the age of seventeen years, and shall have been certified by the District Surgeon of the place of

Volunteer Force.

his residence, or such other competent medical practitioner as shall be named by the Officer Commanding the Corps, to be in sound health and capable of undertaking military duties, nor after he shall have passed the age of fifty years.

10. Every member of the Volunteer Force on his enrolment on the muster roll of his corps, or so soon afterwards as may be, shall take the following oath of allegiance before any Justice of the Peace, or a Commissioned Officer of the Corps :—"I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors, and that I will faithfully serve in the Volunteer Force until I shall lawfully cease to be a member thereof." Providing any person objecting from conscientious scruples to make an oath, may make a solemn affirmation to the same effect as the oath.

Oath of
Allegiance.

11. Any Volunteer may, except when on actual military service, quit his corps on complying with the following conditions, viz. :

Conditions on
which a member
may quit the
Force.

- (a) Giving to the Commanding Officer of his Corps three months' notice in writing of his intention to quit the corps, and attending drills during such period, or by paying to the Corps Fund, upon giving such notice, such sum in lieu of attendance at drills as the By-laws of the Volunteer Force may prescribe : Provided further, that should any corps be called out for actual military service all persons then on the roll of the corps shall be liable to serve, whether they shall have given such notice or not.
- (b) Delivering up in good order, fair wear and tear only excepted, all arms, clothing and appointments, being public property or property of his corps.
- (c) Paying all money due from him under the By-laws and Rules of the Volunteer Force, either before or at the time of his leaving the corps, or which becomes due by reason of his quitting the corps. And thereupon he shall be struck out of the muster roll of the corps by the Commanding Officer.

12. When any Volunteer Corps is on actual military service, or whenever the members of any such corps or Volunteers are voluntarily doing any military duty, the Governor may put the members of such corps and all Volunteers under the command of any officer of Her Majesty's army not under the rank of Colonel, as the Senior Officer Commanding Her Majesty's Forces in Natal may designate or nominate in that behalf ; but so, nevertheless, that the members of such corps and all Volunteers put under such command shall be led by their own Commandant and by their own officers under such command.

Volunteers on
actual military
service or doing
military duty
may be placed
under an officer
of Her Majesty's
Army not under
rank of Colonel.

Added to
Vide Law 19,
1889.

ESTABLISHMENTS.

13. The Governor shall appoint in the name and on behalf of Her Majesty, by commission under the Public Seal of the Colony,

Appointment of
Commandant.

Volunteer Force.

a Commandant with the rank of Colonel, who shall hold office during pleasure, and who shall have served not less than ten years as a Commissioned Officer in Her Majesty's Regular Army, or in the Volunteer Force of the Colony.

Commander-in-Chief's orders to be issued through Commandant.

14. All orders, regulations, notifications, and the like issued by the Commander-in-Chief to the several Corps, shall be issued through the Commandant, and all notifications and other communications from the several corps to the Commander-in-Chief shall be made through the Commandant.

Commandant's department and office.

15. The Commandant shall have an office in Pietermaritzburg, which shall be a distinct department—of which the Commandant shall be the head, subject only to the Governor.

Permanent Staff.

16. The Commandant shall be assisted by a permanent staff consisting of one Staff Officer, not under the rank of Captain in the Volunteer Force; one Armourer, who shall also be Storekeeper; and one Drill Instructor for each Naval, Artillery, and Infantry Corps. These Officers shall be nominated by the Commandant, subject to the approval of the Governor, and shall hold office during pleasure.

Commandant's duties.

17. It shall be the duty of the Commandant to superintend the drill, discipline, and organisation of the several corps; to provide them with the requisite stores, arms, ammunition, and means of transport; to have the charge and supervision of the stores, arms, ammunition and other matters and things, for the use of the Volunteer Force; to direct and to keep account of all issues and receipts of the same; to certify all pay lists and other vouchers of expenditure; to keep an account of the distribution of the moneys voted in the Annual Appropriation Laws under the head of "Colonial Defence" or otherwise for the benefit of the Volunteer Force; to carry on all correspondence in relation to matters affecting the Volunteer Force; and to carry out all instructions issued by the Commander-in-Chief from time to time with respect thereto; and at the end of each year the said Commandant shall draw up for the information of the Governor a report on the condition of the several corps and other matters connected with his department, and such report shall be laid before the Legislative Council at the commencement of each Session.

Responsibility of Commandant for efficiency of arms, &c.

18. The Commandant shall be responsible to the Commander-in-Chief that all the arms, ammunition, stores, and the like, are in a proper state of efficiency and fit for immediate service, whether the same shall be under his immediate charge or that of the several officers in command of corps, and to which he shall at all times have access for inspection: Provided the said Commanding Officers shall also be similarly responsible to the Commandant for the arms, ammunition, stores, and the like under their immediate charge respectively.

Responsibility of Commanding Officer.

Annual inspection.

19. The Commandant shall make an annual inspection of every corps and shall examine the arms and direct any repairs, or other necessary action.

Appointments of Officers.

20. All officers of Volunteers shall be appointed to first commissions as Subalterns, Surgeons, or Quartermasters, by the Governor, in the name and on behalf of Her Majesty, by Commission under the Public Seal of the Colony, from such persons as shall allow their

Volunteer Force.

names to be submitted to him for such purpose by the corps to which it is proposed that such officer be appointed : Provided that no names shall be so submitted unless they shall have been approved by the Commanding Officer of the corps, and not less than one-half of the enrolled members of any such corps, and all promotions shall be made by the Governor from Officers selected and nominated by the Commandant and approved by the Commanding Officer of the corps. The promotion to Field rank of Officers of Artillery, and relative rank of Officers of Naval corps, shall also be made by the Governor, on the recommendation of the Commandant.

Promotion to
Field Rank.

21. Promotions in Brevet Rank may be granted by the Governor upon the recommendation of the Commandant to Officers for meritorious service, or after having completed the following periods of service, as officers :—Subalterns to Captains, after ten years of service in the Volunteer Force, Captains to Majors after fifteen years of service in the Volunteer Force, Majors to Lieutenant-Colonels after twenty years' service in the Volunteer Force. Surgeons and Quartermasters may be granted in the same way the honorary rank of Surgeon-Major and Captain respectively after ten years' service.

Promotions in
Brevet Rank.

22. Resignations of Officers must be sent through their Commanding Officers to the Commandant of Volunteers, and their names will be struck off the muster roll of their corps from the date upon which notice that the Governor has accepted their resignation is published in the *Government Gazette*.

Resignation of
officers.

23. Non-commissioned Officers in Volunteer Corps shall be appointed by the Officers Commanding their corps, who shall also have power, with the approval of the Commandant of Volunteers, to reduce them by steps or to the ranks.

Appointment of
Non-commissioned
Officers.

24. The establishment of different arms of the service shall be as follows, exclusive of bandsmen, viz :—

Arms of which
the service shall
consist.

NAVAL VOLUNTEERS.

One Surgeon and one Paymaster, one Commander, with the relative rank of Captain, and one Lieutenant for every fifty petty officers and men. Naval Volunteers shall not be liable to be called out for service at a greater distance than five miles from the headquarters of the corps.

Naval Volunteers.

CAVALRY—MOUNTED RIFLES.

One Surgeon and one Quartermaster, one Captain for every fifty, and one Lieutenant for every twenty-five non-commissioned officers and men. One Major for every one hundred and fifty, and one Lieutenant-Colonel for three hundred and over ; an Adjutant for one hundred and fifty non-commissioned officers and men and over.

Cavalry—
Mounted Rifles.

FIELD ARTILLERY.

One Major, one Captain, one Surgeon, and one Quartermaster for each Battery, with one Lieutenant for each Division. The total strength of any one battery shall not exceed one hundred non-commissioned officers and men.

Field Artillery.

Volunteer Force.

RIFLES.

- Rifles.** One Surgeon and one Quartermaster, one Captain for every seventy, and one Lieutenant for every thirty-five non-commissioned officers and men. A Major and an Adjutant when the corps attains the strength of two hundred, and a Lieutenant-Colonel when it attains the strength of four hundred.
- Disbandment of a Corps.** 25. The Commander-in-Chief may disband or discontinue the services of any Volunteer Corps, or any part thereof, by Proclamation, whenever the numbers of the members thereof shall fall below twenty (20), or for any sufficient cause.
- Precedence of different arms of service.** 26. In the Volunteer Force the different arms shall rank as in Her Majesty's service.
- Relative precedence of Volunteer Officers.** 27. [Repealed by Law 19, 1889.]
28. The relative precedence of officers in the entire Volunteer Force is determined solely by the rank and date of their commissions in that force.
- Corps may be combined to form regiments.** 29. Corps of the same arms whose numbers are individually insufficient to form separate regiments, may be formed together into regiments, and Field Officers shall be appointed by the Governor as provided in Section 20: Provided that the Commanding Officers shall not exercise authority in respect of the interior economy or of the command of the several contingents except when they are assembled as a regiment for drill or for service. The strength of mounted regiments shall not exceed three hundred and fifty non-commissioned officers and men, and of Infantry six hundred non-commissioned officers and men.
- DUTIES AND PRIVILEGES OF OFFICERS.**
- Bonds for return of arms and accoutrements.** 30. The Commanding Officer of each corps shall receive all bonds given by members of the corps for the due return of arms and accoutrements, and shall be responsible to the Commandant for their safe custody.
- Commanding Officer responsible for arms, &c.** 31. The Commanding Officer of each corps shall be responsible to the Commandant for the arms, ammunition, stores, and the like under his immediate charge.
- Officers of Volunteers exempted from serving on juries.** 32. Every Officer of Volunteers shall be exempt from serving on juries.
- Qualification of Officers.** 33. No commission shall be issued to any Officer until he shall have produced a medical certificate of fitness, and also shall have passed a satisfactory examination as to his proficiency in drill before a Board of Officers to be appointed by the Commander-in-Chief, of which the Commandant shall be President.
- Officers failing to pass examination, appointment becomes null.** 34. Should any Officer fail to pass his examination within twelve months from the date of his appointment in the *Government Gazette*, such appointment shall be null and void. The Commandant shall on the expiration of the twelve months publish the cancellation thereof in the *Government Gazette*, unless the failure to pass the required examination shall be caused by sickness, absence on leave from the Colony, or by other unavoidable circumstances.

Volunteer Force.

35. The Quartermaster shall be responsible to his Commanding Officer for the arms, ammunition, stores, and the like under his immediate charge.

Responsibility of Quartermaster for arms, stores, &c.

ENROLLED MEMBERS.

36. No member of the Volunteer Force shall be liable to be enrolled in any other military body or Burgher Force in the Colony.

Exemption of Volunteers from other military service.

37. Persons dismissed from any Volunteer Corps for misconduct shall not in any case be enrolled in any other Volunteer Corps.

Persons dismissed from one Corps not to be enrolled in any other.

38. Every member of the Volunteer Force must, to render himself efficient, be present at an annual general or an annual regimental encampment for at least five days, unless for special reasons excused by the Commandant, and attend not less than twenty-one drills in each year. He must further qualify himself in shooting by firing not less than sixty rounds per annum, at not less than two hundred yards range, regulation position and targets, and making not less than sixty points.

Requisites for efficiency.

39. All Corps shall be required to drill thirteen days in each year, at least seven days of which shall be in a regimental or general encampment.

Drills required to be held by each Corps.

40. Such annual encampment or encampments shall be held at a place or places appointed by the Commandant of Volunteers, after consultation with the Commanding Officers, at which encampment or encampments all corps must be present, unless specially permitted by the Commandant to drill elsewhere. The dates of regimental or corps drill, if permitted, shall be fixed by the Commandant in conjunction with the Commanding Officers.

Annual encampment.

Regimental or Corps drill.

41. The drill of each arm of the Volunteer Force shall be conducted on a uniform system, embodied in a manual of drill exercise, copies of which shall be distributed to all the officers and non-commissioned officers of the several corps.

Uniform system of drill.

42. All orders given by the Commandant, or by any officer authorised by virtue of this Law, must be obeyed, and shall be valid and effectual if verbally given on parade, or issued in any other manner customary in Her Majesty's Military Service, and the production of an order in writing purporting to be made according to the provisions of this Law, shall be *prima facie* evidence of such order without proving the signature thereto, or the authority of the person making such order.

Issue of orders by Commandant.

43. If any officer, non-commissioned officer, or other member of a corps disbanded by His Excellency the Governor in accordance with Section 25 of this Law, shall refuse or neglect to give up to such person as the Governor may direct any article supplied to him at the public expense as a member of the Volunteer Force, he shall be liable to pay a sum of money, equal to double the cost price of such article, which may be recovered from him, with costs, in the same manner as penalties imposed under the By-laws are under this Law recoverable.

Penalty on members of disbanded Corps for not delivering up articles supplied.

Volunteer Force.

Any member not delivering up, when required, articles supplied to him, Commanding Officer may issue a warrant for their seizure.

44. If any Officer, Non-commissioned Officer, or other member of a Corps, shall neglect or refuse, when thereto required, to give up to such person as the Commanding Officer shall appoint to receive them all or any articles supplied to him at the public expense as a member of the Volunteer Force, it shall be lawful for the Commanding Officer to issue a warrant to any person to be named therein to seize such articles wherever found, and for that purpose to enter upon and search the dwelling of such member.

Liability for loss, injury, &c., of Government property.

45. Any member of the Volunteer Force who shall injure, lose, or make away with, or, contrary to orders, retain any Government property in use by any corps, or the property of any corps, shall be liable to pay a sum of money equal to double the cost price of such property, which may be recovered from him, with costs, in the same manner as penalties imposed under the By-laws are under this Law recoverable: Provided that should any damage to or loss of such property be caused by him without any carelessness or fault on his part, the proof whereof shall be imposed upon him, the Commandant of Volunteers may, upon being satisfied thereof, exempt him from such payment, or impose the payment of the cost price only of such property.

Discipline.

46. With respect to the discipline of Officers and Volunteers, the following provisions shall take effect and be in force while such Officers and men are not on actual military service:—

Disobedience of orders and misconduct by Officer.

- (a) In the event of any officer refusing or neglecting to obey any order, or committing any breach of discipline, or being guilty of unbecoming or disgraceful conduct, the officer commanding his corps shall forthwith place him under arrest and report the matter to the Commander-in-Chief through the Commandant; and the Commander-in-Chief may thereupon convene a court-martial, consisting of three or five commissioned officers of other corps, or of that and other corps, holding rank not inferior to that of the officer to be tried under the presidency of the senior officer present, for the trial of such charge, and the prosecutor shall be appointed by the Commander-in-Chief; and such court shall be empowered to adjudicate on the charges preferred, and shall receive such lawful relevant evidence on oath as may be adduced; and such evidence shall be taken down in writing, and such court shall give judgment according to the votes of the majority of the members; and such judgment shall be recorded by the president, and by such judgment the said court may either dismiss the charge or reprimand or cashier the offender; and every such sentence, and a copy of the evidence on which it was given, shall be forthwith transmitted to the Commander-in-Chief, who may either confirm, revise, or annul the same: Provided, in the event of any such above-mentioned offences being committed by the officer commanding any corps, and being reported to the Commandant, or otherwise coming

Court-martial.

Volunteer Force.

to his knowledge, the said Commandant may report the matter to the Commander-in-Chief, who may order the matter to be investigated by a court-martial as above.

- (b) The Commanding Officer of a Volunteer Corps may suspend and, with the approval of the Commander-in-Chief, discharge any Volunteer, and strike him out of the muster roll, or may sentence any offender to pay a fine not exceeding Five Pounds, either for disobedience by him while doing any military duty with his corps, or for misconduct by him as a member of the corps, or for other sufficient cause, the existence and sufficiency of which causes respectively shall be finally determined by the Commander-in-Chief. The Volunteer so discharged shall nevertheless be liable to deliver up in good order, fair wear and tear only excepted, all arms, clothing, accoutrements, and equipments, being public property or the property of his corps, issued to him, and pay all money due or becoming due by him under the By-laws, either before or at the time, or by reason of his discharge; and further, that such discharge be published in the *Government Gazette*.
- (c) If any Volunteer, while under arms, or on a march, or on duty, or while engaged in any military exercise or drill, or going to or returning from any place of exercise or drill or assembly of such corps, shall disobey any lawful order of any officer under whose command he then shall be, or shall be guilty of misconduct, the officer then in command may order the offender into the custody of any Volunteers, but so that no such offender shall be kept under personal restraint longer than is reasonably necessary for the preservation of order and discipline.

Disobedience or misconduct by Volunteer.

Breach of discipline whilst under arms, on duty, &c.

47. With respect to the discipline of Officers and Volunteers, the provisions in the following three sections shall take effect and be in force when such Officers and Volunteers are on actual military service :—

Discipline whilst on actual service.

48. Any Officer or other member of the Volunteer Force when called out for military service, who may be charged with any of the offences in Schedule C attached to this Law, or who may be guilty of any breach of military discipline, may be summarily dismissed from the Force by the Governor and Commander-in-Chief, or may be tried by court-martial.

Dismissal.

Vide Schedule C.

Trial by Court-martial.

49. A court-martial may sentence any Officer or other member of the Force who may be convicted of any offence for which he is tried under this Law to be dismissed from the Force, or to pay a fine not exceeding £50, or to be imprisoned with, or without hard labour, for any period not exceeding twelve months, or to fine and imprisonment and dismissal, or to any two of the three combined, and the name of any Officer or other member dismissed shall be published in the *Government Gazette*.

Powers of Court-martial.

*Volunteer Force.***Imprisonment.**

50. Any member of the Volunteer Force placed under arrest for any offence under this Law, or who may be sentenced to imprisonment by a court-martial, may be imprisoned in any building set apart as a guard-room or in any guard-tent: Provided that in case the sentence shall exceed 14 days' imprisonment, with or without hard labour, the person convicted shall be removed to the nearest public gaol, there to undergo such sentence, and when so removed he shall be in the same plight and condition as if the sentence had been a sentence of one of the ordinary Courts of Law of this Colony.

Constitution of Court-martial.

51. A court-martial shall consist of not less than three commissioned officers, the senior officer present to be President, and the decision of the majority of the members of such court shall be deemed to be the decision of such court, provided that in case of the members of the said court being equally divided in opinion, the decision of the President shall be deemed to be the decision of the court.

Procedure to convene a Court-martial.

52. Whenever it is thought advisable to try any Officer or member of the Force by court-martial, the officer preferring the charge must first submit the case, with all evidence in writing, to the Commandant, who shall, if necessary, authorise the assembly of a court-martial, and name the officers to sit upon it, and appoint the place and date of trial.

Evidence before Court-martial.

53. The evidence which may be given before a court-martial shall be taken down in writing by the President thereof, by whom also the witnesses shall be duly sworn. And any person so sworn who shall wilfully give false evidence before such court shall be deemed guilty of the crime of perjury, and upon conviction thereof shall suffer any punishment by Law provided for that crime.

Summoning of Witnesses.

54. Every person who may be required to give or produce evidence in any case pending before a court-martial, shall be summoned in writing by any officer of the Volunteer Force, and all witnesses so duly summoned who shall not attend, or any attending who shall refuse to be sworn, or, being sworn, shall refuse to give evidence or not produce the documents under their power or control required to be produced by them, or to answer all such questions as the said court-martial may legally demand of them, shall be liable to be dealt with by such court-martial in like manner as if such witness had been a witness duly summoned to appear before a Resident Magistrate in a criminal case pending in the court of such Resident Magistrate.

Powers of Court-martial in case of non-compliance by a witness.

55. The proceedings before and at any trial by court-martial shall, except otherwise herein mentioned, as near as may be, be the same as those from time to time prescribed as to criminal cases in a court of a Resident Magistrate. And the original proceedings shall immediately after sentence is pronounced be forwarded by the President to the Commandant for the confirmation, revision, or disallowance of the Commander-in-Chief.

Procedure in Court-martial cases.**Nothing in this Law to prevent prosecutions other than those under this Law.**

56. Nothing in this Law contained shall prevent any member of the Volunteer Force from being prosecuted otherwise than under the provisions of this Law in all cases in which he would by Law, without this Law, be liable to such prosecution; but no member of

Volunteer Force.

the Volunteer Force, acquitted or convicted of any crime or offence, shall be liable to be again tried for the same crime or offence : Provided that nothing herein contained shall prevent a member of the said Volunteer Force who has been acquitted or convicted from being dismissed from the Force.

57. In case any Volunteer shall be guilty of any offence or breach of discipline which is not considered serious enough for trial by court-martial, the officer commanding his corps may sentence such offender to pay a fine not exceeding £5, and may summarily dismiss him from the Volunteer Force : Provided that a member, if he so request within three months, shall have a right to be tried by court-martial instead of being summarily dealt with by such Commanding Officer.

Officer Commanding may fine for minor offences.

Proviso : Right to be tried by Court-martial.

58. Meetings shall not be held in corps for the purpose of expressing an opinion upon the acts of a commanding officer, or of recommending him to take a particular course of action ; and no meetings, except those called together by or under the authority of the commanding officer of a corps, and on his responsibility, will be recognised.

Certain meetings of Corps not authorised.

59. If any Volunteer has cause to think himself aggrieved he will represent his case to his captain ; any appeal against the decision of the captain will be made through him to the commanding officer, and any further appeal will be made through these officers and the Commandant to the Commander-in-Chief, and no captain or commanding officer shall on any account refuse to forward any such appeal.

Remedy to aggrieved Volunteer appeals.

60. Members of the Volunteer Force being in uniform shall not attend political meetings, or join in any public political discussion or demonstration.

Members not to attend political meetings in uniform.

61. No action or prosecution against an officer of the Volunteer Force, or a Volunteer, for anything done, or purported to have been done, in pursuance of this Law, shall be commenced after the end of two months from the doing of such act.

Prescription of actions and prosecutions.

62. A court of inquiry may be convened at the instance of the Commander-in-Chief, or by the commanding officer of a corps or regiment, to assist in arriving at a correct conclusion on any subject into which it may be expedient to enquire.

Courts of Enquiry.

MANAGEMENT OF PROPERTY.

63. All money subscribed by, or for the use of the corps, all arms, stores, ammunition, musical instruments, and other property, articles, and things whatsoever, belonging to or used by any such corps, not being the property of any member thereof, shall be vested in the commanding officer of such corps in trust for the corps ; and shall for all the purposes of any legal proceedings, civil or criminal, be deemed to be his property, and may be so laid in any action or suit ; and no such action or suit shall be discontinued by the death, resignation, or removal of a commanding officer, but the same may be proceeded with by or against the succeeding commanding officer.

Corps' property vested in Commanding Officer.

LL

*Volunteer Force.***ARMS, EQUIPMENT, AND CLOTHING.**

Supply of arms
and equipment.

Bond to be given
therefor.

Guns to be sup-
plied to Artillery
Corps.

Camp and field
equipment.

Compensation
for loss or injury
of horse, accoutre-
ments, &c.,
while on actual
service.

Circumstances to
be enquired into
by a Board.

Loss or damage
of accoutre-
ments, &c., to be
reported to Com-
manding Officer.

Board of
Enquiry.

Exemption of
arms, accoutre-
ments, and horses
from arrest or
attachment.

Uniform of
Corps.

Allowance of
ammunition to
each member of
force.

64. Every member of the Volunteer Force shall be provided with arms and equipment, to be supplied by Government to the officer commanding the corps, upon receipt of a bond by that officer for their safe custody, executed on behalf of the corps, and thereafter supplied to the member upon receipt of a bond for their safe custody executed in favour of the commanding officer. Each artillery corps shall be provided with suitable guns for each battery, fully equipped for service, to be supplied by the Government, subject to the execution of a bond on behalf of the corps conditioned for the proper keeping and return of such guns.

65. Each Volunteer Corps shall be furnished at the public expense of the Colony with a sufficient supply of camp and field equipment, pack saddles, picquet ropes, poles, and other material necessary to enable it to move at the shortest notice when called out for active service.

66. Whenever the horse, accoutrements, arms, or saddlery, being the private property of any Volunteer, while on actual military service, shall be or has been lost, destroyed, or injured, without any fault, negligence, or misconduct on the part of such Volunteer, compensation shall be made for such loss or injury to such amount as shall be decided upon by the Governor in Council: Provided, however, that in all cases of loss or damage, the Volunteer sustaining such loss or damage must report the same without delay to his commanding officer, with a view to the circumstances being enquired into by a Board, consisting of three members of the corps; failing such report the Volunteer will be liable to lose his claim.

67. Whenever any arms or accoutrements or other equipment and ammunition the property of the Government shall be lost or damaged by any member of the Volunteer Force, the loss or damage shall be at once reported to the commanding officer of the corps, who shall appoint a Board of three members of the Volunteer Force to enquire into and investigate every such loss or damage, such report to be forwarded by the commanding officer to the Commandant, with an accompanying minute from the commanding officer.

68. The arms and accoutrements of every member of the Volunteer Force, and the horse used in the ranks by any such member, and the person of every member whilst he shall be on duty, shall at all times be exempt from arrest, attachment, or seizure in execution.

69. The uniform of all corps shall be approved by the Commander-in-Chief, and the material of such uniform shall be issued to the corps at cost price.

AMMUNITION.

70. Each efficient member of the Volunteer Force shall be entitled to ammunition at the rate of 150 rounds of ball per man per annum, free of charge, and sufficient blank ammunition for drill purposes; and every Volunteer may, at the discretion of his commanding officer, be allowed to purchase 200 rounds of ball at cost

Volunteer Force.

price for personal practice only. Any member of the Volunteer Force who shall sell or otherwise part with any ammunition so supplied to him shall be deemed to be guilty of a contravention of Section 14 of Law No. 12, 1862, entitled, "Law to amend the Law Regulating the Dealing in Gunpowder," and liable to the penalties provided in the 30th Section of the said Law.

Penalty for selling or parting with ammunition.
Vide Law 12, 1862, Secs. 14 and 30.

CAPITATION ALLOWANCES FOR HORSE FEEDS, PAY, ETC.

71. Every efficient member of the Volunteer Force shall be entitled to a capitation grant of £2, and this grant shall be paid to the fund of each corps, and not to the individual members for their own use.

Capitation grant to efficient members.

72. Each member of a mounted corps, each mounted officer of infantry or artillery, and each member of an artillery corps who shall on the nomination of the commanding officer of the corps provide a horse for the purposes of the battery, shall be entitled to receive annually a sum of Ten Pounds Sterling, on complying with the following conditions:—He shall produce a certificate from the officer commanding his corps that he is an efficient member of the corps to which he belongs, under the terms of this Law, and that he has during the preceding year kept a thoroughly serviceable horse, not under fourteen hands high, properly equipped and available at any time for service, and registered in a registry book to be kept for that purpose by the commanding officer of each corps: Provided always that no Volunteer shall be entitled to receive this allowance until he shall have completed at least nine months' service ending December 31st, and in the case of the cavalry shall have obtained the certificate of the staff officer as to his proficiency in drill: Provided further that the number of horses kept by members of any artillery corps does not, in the opinion of the Commandant, exceed the number required to horse the battery efficiently: And provided also, that every such certificate shall be countersigned by the Commandant of Volunteers. In the case of officers commanding corps, the certificate of the Commandant of Volunteers shall be sufficient.

Annual allowance for keep of horses.

73. The certificates above-named shall be sent when collected by the officers commanding corps to the Commandant of Volunteers, who shall duly abstract the same, and the total sum due to each corps shall be made payable to the commanding officer of the corps whose signature shall be a full and sufficientittance to the Colonial Treasurer for the payment thereof, and such commanding officers shall forward to the Colonial Treasurer as soon as possible after receiving such sum a Quittance Roll in form as provided in Schedule A to this Law annexed, signed by each member of his corps for whom he may have drawn the above grant.

Mode of payment of capitation grant and allowance.

74. Every member of the Volunteer Force who shall serve three years as an efficient member, and who can obtain from his commanding officer a certificate of efficiency in form as provided in Schedule B to this Law annexed, shall be entitled to a service allowance of Three Pounds Sterling per annum.

Service allowance.

Vide Schedule B.

Volunteer Force.

Pay of Volunteers while on duty and drill.

75. The members of the Volunteer Force shall receive for pay each day of attendance at drill, or when ordered out by the Commandant for duty, as follows, viz. :—

- (a) While serving in the annual camp, and when ordered out by the Commandant, but not on actual military service, the pay of all ranks shall be :—Mounted men, 6s. per diem ; Dismounted men, 5s. per diem.
- (b) Mounted men for each day of attendance at quarterly drill, not exceeding three days in any one year, 5s. per diem ; Naval, Artillery, and Infantry drilling otherwise than in the annual camp, 3s. per diem, two parades under arms and at which drill takes place counting as one day.

Provided that the total number of days' drill for which pay is drawn, exclusive of duty ordered by the Commandant, shall not exceed thirteen in any one year.

Pay of Volunteers whilst on actual service.

76. Whilst on actual military service, the rate of pay of the members of the Volunteer Force shall be, with the addition of rations and forage, which will be provided by Government, as follows :—

		Mounted Corps and Field Artillery. PER DIEM.		Naval and Infantry Corps. PER DIEM.	
		s.	d.	s.	d.
Troopers or Privates	...	6	0	5	0
Corporals	...	7	0	6	0
Sergeants (including Staff Sergts.)	...	8	0	7	0
Sergeant-Major	...	9	0	8	0
Officers of all Ranks	...	15	0	14	0

All Volunteers, after having been actually in the Field for a period of 60 days, shall receive 3s. per officer, non-commissioned officer, or man additional per diem to the above scale.

Marching allowance to Mounted Corps.

77. Daily pay shall be granted to Mounted corps at the rate of 6s. per day per head for all ranks whilst marching to and from the Annual Encampment, the rate of travelling to be not less than 30 miles per diem, the distance to be reckoned from the headquarters of each troop ; this payment to be over and above the 13 days mentioned in Section No. 75.

INSURANCE AND REMOUNT FUND.

Contribution from General Revenue ;
And from Corps.
Members not qualifying as effective to contribute themselves.

78. A sum of £2 per head per annum shall be payable out of the General Revenue of the Colony in respect of each efficient member of each Mounted Corps : Provided that the corps or effective members of the corps, do subscribe a further sum of £1 per head per annum. Members of the corps failing to qualify themselves as effective in one year, so as to enable the fund to claim the Govern-

Volunteer Force.

ment Grant of £2, must themselves contribute that amount, in addition to the annual subscription of 20s., to enable them to continue to participate in the advantages of the fund. The sums so payable and subscribed as aforesaid shall be paid into a General Fund to be established by each such Mounted Corps, and shall be known as the Insurance and Remount Fund.

79. In the event of any claims being preferred against any such Insurance and Remount Fund, compensation shall not be paid at any higher rate than £20 for each horse, and in the event of the Fund amounting to a sum equal in value, computed at the above rate to the total number of horses insured, then the Government contribution shall cease until such time as the Commandant of Volunteers shall recommend its renewal.

Compensation payable from the fund.

80. An account of such Insurance and Remount Fund signed by the commanding officer of each Mounted Corps, showing payments made and balances in hand, shall be submitted annually to the Commandant. Such report shall be laid before the Legislative Council.

Annual accounts.

81. The members of any Mounted Volunteer Corps may from time to time make By-laws and Rules for the control and government of its Insurance and Remount Fund: Provided that such rules shall not come into operation until they have been approved by the Governor in Council.

By-laws for control of the fund.

82. The grants in aid of an Insurance and Remount Fund, as provided for in Section 78, shall apply to such Mounted Corps only as may request to come under its provisions.

Grants in aid, to what Mounted Corps applicable
Vide Sec. 78.

83. In the event of the disbandment of any corps, two-thirds of the balance of the Insurance Fund remaining in hand at the date of the disbandment shall be repaid to the Colonial Government. The remaining one-third shall be disposed of in such manner as shall be decided upon by a majority of the members of the corps at the time of its disbandment.

Disposal of fund upon disbandment.

84. The widow and children of any member of the Volunteer Force who shall be killed whilst engaged in actual military service, or on actual duty in camp, shall be entitled to such compensation as the Legislative Council by vote shall determine: Provided that in the case of a widow such compensation shall not be less than a gratuity of £400, or an annuity of £50 per annum, as the said Legislative Council may determine. In the event of any member of the Volunteer Force whilst so engaged being wounded, or otherwise seriously injured, he shall be entitled to compensation for such wound or injury according to the scale of compensation for the time being in force in the regular army of Great Britain: Provided that in applying such scale, every commissioned Volunteer officer shall be compensated according to his rank, and every Volunteer not so commissioned, as if he were a commissioned officer of the lowest rank in the regular army.

Compensation to widow and children of Volunteer killed whilst in actual military service or duty in camp.

Compensation for wound or injury.

*Volunteer Force.***BOARD OF OFFICERS TO MAKE, ALTER, AND AMEND BY-LAWS AND RULES.**

Commander-in-Chief may convene a Board of Officers Commanding Corps.

Power to Board to make By-laws and Rules and Regulations.

Confirmation by Commander-in-Chief.

Rules for regulating proceedings of Board.

Penalties imposed for contraventions.

Allowance to Officers attending the Board.

Code of By-laws and Rules already in existence to remain in force until altered.

85. It shall be lawful for the Commander-in-Chief to convene a Board of Officers commanding Volunteer Corps as often as to him shall seem fit, to be held under the presidency of the Commandant, or, in his absence, the senior officer present, and a Board so constituted shall have power to make, alter, and add to the By-laws and Rules and Regulations to be observed by all Volunteer Corps constituted under this Law, and such By-laws, Rules, and Regulations not being contrary to the provisions of this Law, shall, if confirmed by the Commander-in-Chief, be as binding on the Volunteer Force of Natal, as if contained in this Law; and such Board shall in like manner have power to make, alter, and add to rules of order for the better regulation of the proceedings of the Board. Penalties may be imposed by By-laws framed under the provisions of this Section for any contravention of any By-laws, not exceeding a fine of £2 sterling for any contravention, to be recovered in manner provided in the 87th Section of this Law. Each officer attending such Board shall receive £1 for each day he is travelling to or from or is engaged at such Board: Provided that should any Commanding Officer be unable to attend such Board, it shall be competent for him to appoint another officer to represent his corps at such Board. The code of By-laws and Rules in existence prior to the passing of this Law, shall remain in force until altered and amended as provided for in this Section.

VOLUNTEERS ON DUTY NOT LIABLE FOR TOLLS.

Duty or toll, when not leviable at any ferry, bridge, turnpike gate, or bar.

86. No duty or toll leviable at any ferry, bridge, turn-pike gate, or bar, shall be taken for—

- (a) Any member of the Volunteer Force when in uniform being on the march or on duty, or going to, or returning from the place appointed for, or on any day for exercise, or other public duty pertaining to his Corps, or on the day previous to or after such aforesaid day.
- (b) Any horse when ridden or used by such Officer or Volunteer on the march or on duty or going to or returning as aforesaid.
- (c) Any cart, wagon, or carriage, public or private, employed only in carrying any such Officer or Volunteer in uniform being on the march or on duty, or going or returning as aforesaid, with or without any conductor or driver of such cart, wagon, or carriage, or domestic servant of such Officer or Volunteer.
- (d) Any cart, wagon, or carriage, public or private, employed only in carrying or conveying or returning empty from carrying or conveying any arms or baggage of such Officer or Volunteer, being on the march or on duty, or going to or returning from the place appointed for exercise, inspection, review, or other public duty, or any military stores.

Volunteer Force.

belonging to or for the use of any guns belonging to or used by the Volunteer force, or any gun or gun carriage belonging to such Force.

- (e) Any horse or other beast drawing any such cart, wagon or carriage as aforesaid.

If any person shall knowingly take any duty or toll in contravention of this Section, or if any person shall make any false representation respecting himself or any other person, or any animal or thing, with intent to obtain for himself, or otherwise, any exemption under this Section, he shall for every such offence be liable to a penalty not exceeding £5 sterling.

Penalty for contravention or false representation.

FINES AND PENALTIES—HOW RECOVERABLE.

87. All fines and penalties for offences committed against the By-laws, or imposed thereunder, shall be recovered as follows :—In case of non-payment thereof within ten days after such fine or penalty shall have been inflicted, the same shall, with the costs thereof, be levied by warrant of distress, signed by the Commanding Officer for the time being, and shall be raised by the sale of goods and chattels of the Volunteer liable for such fine or penalty, and such warrant may be addressed to any person whom the Commanding Officer for the time being may empower and appoint. Any penalties incurred under Sections 86 and 92 hereof shall be recovered in the usual manner by the Clerk of the Peace, or his Deputy, before the Resident Magistrate of the Country or Division in which the offence shall be committed, and all fines and penalties recovered for contraventions of any By-law of the corps shall be paid to the Commanding Officer of the corps to which the Volunteer who paid the fine or penalty belongs or belonged, and shall be applied as part of the general fund of the corps : Provided that penalties recovered from Volunteers under Sections 43 and 86 hereof shall be paid to General Revenue.

Recovery of fines and penalties by warrant of distress.

Levy and sale of goods of Volunteer.

Recovery of certain penalties by Clerk of the Peace.

Vide Secs. 86 and 92.

Application of fines and penalties. *Vide* Secs. 43 and 86.

88. Any member of a Volunteer Corps, not being an Officer or Non-commissioned Officer, who may have served for three years, and who may have obtained a certificate that he is an efficient member, in form as provided in Schedule B to this Law annexed, may, on application to his Commanding Officer, be removed to a list of "Reserve Volunteers."

Members having served for three years may be removed to list of Reserve Volunteers. *Vide* Schedule B.

89. Any Volunteer who may have served in any Corps for at least three years, and who may have resigned, shall, on rejoining any Corps, be entitled to count his past service to the extent that he shall be entitled to be removed to the "Reserve List" after one year's service in that Corps, on obtaining a certificate of efficiency as hereafter provided.—Schedule D.

Also members who have resigned and rejoined.

Vide Schedule D.

90. Such Reserve Volunteers shall be borne as supernumeraries on the rolls of their respective Corps, and shall be in all respects, except as specified, subject to the Volunteer Law. They shall be bound to serve whenever called out for actual military service, but they shall be exempted from attendance at drills as prescribed by

Status, obligations, and duties of Reserve Volunteers.

*Volunteer Force.**Vide Sec. 38.*Allowances to
Mounted Reserve
Volunteers.*Vide Sec. 72.*Penalty for
default.Privileges
of Reserve
Volunteers.Arms and
accoutrements
may be ordered
to be returned.Penalty
for negligent
keeping.Pay, grant, and
horse allowance
when on actual
service.Leave of absence
to officers.Candidates for
enrolment to be
acquainted with
this Law.Payments autho-
rised for carrying
out provisions of
this Law, to be
provided for in
the Supply Laws.

Interpretation.

Section 38 of this Law, except for one day in each year, to be fixed by the Officer Commanding the Corps, when they shall be bound to attend in uniform, fully equipped, and, in the case of Mounted Reserve Volunteers, mounted, and shall receive pay therefor at the rate of £1 sterling for such day, and shall also, in the case of Mounted Reserve Volunteers, receive the sum of £2 10s. sterling, provided they shall produce a certificate by the Commanding Officer of having kept a horse duly registered, as provided for in Section 72 hereof. Any Reserve Volunteer failing to attend as above, on the day fixed and notified to him, shall be liable to a fine, by order of the Officer Commanding the Corps, not exceeding £1, which fine shall be paid into the Corps Fund.

91. Every such Reserve Volunteer shall be entitled to retain his arms and accoutrements, and also to purchase 100 rounds of ammunition per annum from Government at cost price during such time as he may retain them, in addition to 50 rounds which shall be issued free of charge, subject to their being expended under the regulations for the time being in force amongst the Volunteers of the Colony.

92. The Commanding Officer may at any time order such arms and accoutrements to be returned into store, if, upon inspection, he may find them improperly or negligently kept; and may also inflict a fine for such negligence not exceeding £2, which fine shall be paid into the Corps Fund.

93. Whenever required to proceed upon actual military service such Reserve Volunteers shall receive pay, capitation grant, and horse allowance at the same rate as other members.

94. All Officers requiring leave of absence from the Colony must forward their applications, through their Commanding Officers, to the Commandant for the approval of His Excellency: Provided that Commanding Officers may have power to grant short leave of absence within the Colony to Officers for periods not exceeding one month, and that regulations for the leave of absence of Non-Commissioned Officers and men shall be made in the By-laws.

95. No person shall be enrolled as a Volunteer who shall not have given to the Commanding Officer a certificate in writing under his hand, stating that he has perused and made himself acquainted with the provisions of this Law.

PAYMENTS OUT OF GENERAL REVENUE AUTHORISED.

96. The Governor shall be authorised to pay out of the General Revenue of the Colony, such sums of money as may be necessary for carrying out the provisions of this Law—to be provided for in the Supply Law in each year.

INTERPRETATION OF VOLUNTEER LAW.

97. In the Interpretation of this Law, unless there is something in the subject or context repugnant to such construction, or inconsistent therewith, the words and phrases following shall have the meanings hereby respectively assigned to them; that is to say: the word

Volunteer Force.

"Corps" shall include a troop, company, or battery of Artillery, or of a Naval Corps, or of a Coast Defence Corps, a troop of Cavalry, or Mounted Rifles, or an Infantry company, and shall comprehend and include the Officers, Non-Commissioned Officers, and Privates of the Corps. The terms "Volunteer Force," or "Members of the Volunteer Force," shall comprehend and include the Commandant, the Officers, Non-commissioned Officers, and Privates, enrolled under this Law. The term "Volunteer" shall mean a Non-commissioned Officer or Private belonging to a Volunteer Corps.

98. Nothing in this Law contained shall apply in any way to the Burgher Force established by Law 19, 1865.

99. This Law may be cited for all purposes as the "Volunteer Law, 1888."

100. This Law shall take effect from and after the promulgation thereof in the *Natal Government Gazette*.

This Law not to
apply to Burgher
Force.
Vide Law 19,
1865.
Short title of
Law.

Commencement
of Law.

SCHEDULE A.

Form of Quittance Roll to be forwarded by Commanding Officers to the Colonial Treasurer, under Section 73.

Name of Volunteer.	Sum.			Time for which grant has been paid.		Signature of Volunteer as receipt for the same.
	£	s.	d.	From	To	

SCHEDULE B.

I, A.B., commanding (name of corps) do certify that C.D. has served as an efficient Volunteer for three full years during his present term of membership, and has attended drill for not less than seven days during the last year, and that he is efficient in the knowledge of his drill, in shooting, and in general duties as a Volunteer.

Volunteer Force.

SCHEDULE C.

1. Beginning, inciting, causing, or joining in any mutiny or sedition.
2. Being present at any mutiny or sedition, and not using his utmost endeavours to suppress the same.
3. Misbehaving or inducing others to misbehave before the enemy in such a manner as to show cowardice.
4. Leaving the ranks without orders from the superior officer ; in order to plunder ; or on pretence of taking wounded men to the rear.
5. In action, or previously to going into action, using words calculated to create despondency.
6. Disclosing verbally or in writing the number, position, or preparations of the Force or Forces to which he is attached.
7. Deserting from the Force.
8. Striking or offering violence, or using threatening language to a superior officer.
9. Disobeying the lawful commands of a superior officer.
10. Leaving his guard, picquet, patrol, or post without orders from his superior officer.
11. Being, while a sentinel, found asleep or drunk on his post, or leaving the same before being regularly relieved, or being found drunk under arms.
12. Forcing or striking a sentry.
13. Being in arrest or confinement, escaping or attempting to escape.
14. Being in command of a guard, picquet, or patrol, and without authority, releasing any prisoner committed to his charge, or allowing him to escape.
15. Being drunk whether on duty or not.
16. Breaking into any house or other place in search of plunder.
17. Irregularly appropriating or detaining to his own corps or detachment any provisions or supplies proceeding to the Forces.
18. Stealing, embezzling, or fraudulently mis-applying any public or corps money or goods, or conniving at the same.
19. Doing violence to any person bringing supplies to the Forces, or committing any offence against the property or person of residents.
20. Wilfully destroying or damaging property without orders from his superior officer.
21. Making away with Arms, Ammunition, or Equipments, or necessities, or losing the same by neglect.
22. Absenting himself without leave, or failing to appear at the place or places of rendezvous.
23. Refusing, or culpably neglecting to send in any report or return which it is his duty to make.
24. Making a false accusation against any officer or man.
25. Being guilty of fighting, misconduct, or neglect, to the prejudice of good order and discipline.

Volunteer Force.—Pietermaritzburg Consolidated Stock.

SCHEDULE D.

I, A.B., Staff Officer of Volunteers, do certify that C.D. has proved to my satisfaction that he has served as an efficient member for three years in the (name of corps), and I further certify that he has served as an efficient member in the (name of corps) for one full year, and I consider him proficient in knowledge of his drill and general duties as a Volunteer.

Given at Government House, Natal, this 24th day of October, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 20, 1888.

(Signed) A. E. HAVELOCK.

To provide for the creation of Pietermaritzburg Consolidated Stock, and to enable the Mayor and Councillors of the City and Borough of Pietermaritzburg to borrow a sum not exceeding Eleven Thousand Six Hundred Pounds Sterling (£11,600).

WHEREAS the Mayor and Councillors of the City and Borough of Pietermaritzburg were by the Law passed in 1864 authorised to borrow or raise a sum of Fifty Thousand Pounds Sterling (£50,000) on the security of the Town Lands and the general Revenue of the City and Borough, and the said sum was fully raised and borrowed : *Preamble.*

And whereas by Law No. 10, 1881, the Mayor and Councillors were authorised to borrow a further sum of One Hundred Thousand Pounds Sterling (£100,000) on the security of two-thirds of the unappropriated Town Lands of the City and Borough, and the said sum of One Hundred Thousand Pounds (£100,000) has been fully borrowed : *Vide Law of 1864.*

And whereas the Mayor and Councillors are by the said Laws authorised and required to set apart and provide Sinking Funds for the repayment of the said Loans : *Vide Law 10, 1881.*

And whereas Loans amounting to a sum of Eight Thousand Four Hundred Pounds Sterling (£8,400) have been repaid out of the Sinking Fund provided under the Law of 1864, and a sum of Three Thousand Two Hundred Pounds Sterling (£3,200) has been repaid out of the Sinking Fund provided under Law No. 10, 1881, and applied towards the reduction of the amount borrowed under the said Laws respectively : *Vide Law of 1864.*
Vide Law 10, 1881.

Pietermaritzburg Consolidated Stock.

And whereas it is desirable and necessary in the interests of the City and Borough of Pietermaritzburg that the Mayor and Councillors should be authorised and empowered to convert and consolidate the said Loans, to release the Sinking Funds which have accumulated under the said Laws in proportion to the amounts converted from time to time, and to borrow the sum of Eleven Thousand Six Hundred Pounds Sterling (£11,600) paid out of Sinking Funds as aforesaid :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. The short title of this Law shall be the “Pietermaritzburg Consolidated Stock Law, 1888.”

Interpretation.

2. The words “The City and Borough” shall mean the City and Borough of Pietermaritzburg. The words “Law of 1864” shall mean the Law to empower the Corporate Council of the Borough of Pietermaritzburg to raise by Loan or otherwise, either in this Colony or elsewhere, moneys not exceeding the sum of Fifty Thousand Pounds Sterling (£50,000).

Conversion of Loans bearing Sinking Fund into Consolidated Stock without Sinking Fund by arrangement with holders of existing securities.

3. The Mayor and Councillors, notwithstanding any provision in any Law authorising the raising of any Loans for Municipal purposes, whereby it is required that any sum shall be set apart out of the funds of the Borough or otherwise to be invested as a Sinking Fund, are hereby authorised to initiate and enter into any arrangements with the holders of any such existing Sinking Fund bearing securities, whereby such securities may be converted into Consolidated Stock of the City and Borough for which no payment from the Borough Funds or otherwise to form a Sinking Fund shall be required.

Powers granted to Council—

4. The Mayor and Councillors shall have, and may exercise for the purposes of this Law, the following powers and authorities, or any of them :—

(a) To declare Sinking Fund bearing Loans convertible into Consolidated Stock.

(a) They may, from time to time, declare by resolution all or any of the Corporation Loans for the redemption of which a Sinking Fund has been invested or created, whether existing in the form of stock or debentures or otherwise, to be convertible into Consolidated Stock of such denomination, with such interest, not exceeding five per centum per annum, and on such conditions as they may from time to time determine.

(b) To raise money by Consolidated Stock to redeem Sinking Fund bearing securities

(b) They may create and sell any such Consolidated Stock, for the purpose of raising money for redeeming any such outstanding Sinking Fund bearing securities held for such Loans, as may be necessary.

(c) To issue Consolidated Stock in exchange for Sinking Fund bearing securities, and to pay expenses.

(c) They may create and issue such an amount of Consolidated Stock in exchange for the Sinking Fund bearing securities held for such Loans as may be necessary, and for paying any expenses in the creation of Consolidated Stock, and otherwise carrying out the provisions of this Law on such conditions as they may determine.

Pietermaritzburg Consolidated Stock.

5. Any conversion, so authorised, may be effected either by arrangement with the holders of existing securities, or by purchase thereof out of moneys raised by a sale of new Consolidated Stock, or partly in one way and partly in the other.

Conversion may be effected by arrangement or by purchase.

6. Any powers by this Law conferred on the Mayor and Councillors may be exercised from time to time, and they may alter any conditions as often as occasion may require, but so that no contract or engagement entered into before the exercise of any such power, or the making of such alterations shall be prejudiced or affected thereby,

Exercise of powers granted to Council.

7. Nothing in this Law contained shall authorise an increase of the capital, or of the annual charge of any Sinking Fund bearing Loans, except that where such securities exchanged for new Consolidated Stock bear a higher rate of interest than the new Consolidated Stock an additional amount of new Consolidated Stock may be created, and issued to make up the difference in saleable value between the aforesaid securities and the new Consolidated Stock.

Capital or annual charge of Sinking Fund bearing Loan may be increased in certain cases.

8. All existing Loans converted under the provisions of this Law into such Consolidated Stock, and interest thereon, and all charges and expenses incurred in carrying out the provisions of this Law, or any agreements made in pursuance thereof, shall be chargeable upon, and payable out of, the rents, rates, and general revenue of the City and Borough.

Converted Loans, interest, and expenses chargeable upon the rates, rents, and general revenue of the City and Borough.

9. All moneys raised upon the security of such Consolidated Stock, and all Consolidated Stock into which other Borough Loans may be converted, shall be payable within fifty years from the date of borrowing, or the date of conversion as the case may be.

Money payable 50 years from date of borrowing or conversion.

10. Such Consolidated Stock shall be issued by crediting the purchaser, or, in cases of conversions, the allottee, for such sum thereof as he shall purchase or be entitled to, in a register to be kept in duplicate for that purpose by the Town Clerk of the City and Borough in the City of Pietermaritzburg, and by the Agents of the Mayor and Councillors in London.

Mode of issuing Stock.

11. Such Consolidated Stock shall be transferable by transfer, registered by the Agents of the Mayor and Councillors in London, or by the said Town Clerk of Pietermaritzburg, and every person who shall be so credited as aforesaid in the said Register in the first instance, or to whom any transfer shall thereafter have been made, shall be entitled to require and demand of the said Agents or Town Clerk, and the said Agents or Town Clerk shall, in each case, issue a receipt or certificate stating the amount of the Consolidated Stock standing to the credit of such person in the said register.

Transfer of Stock.

12. In all cases of transfer of Consolidated Stock the transferor's receipt or certificate relating to stock to be transferred shall be given up to the Agents or Town Clerk, as the case may be, and in case the stock to be transferred is less in value than the stock represented by the receipt or certificate, a new receipt or certificate shall be issued to the transferor for the balance of stock not to be transferred.

Stock certificates or receipts.

Stock certificates to be given up when transfer made.

13. The interest on Consolidated Stock shall be payable half-yearly on the 30th day of June, and the 31st day of December, or as soon thereafter as demand shall be made therefor by the lawful holder

Interest payable half-yearly.

Pietermaritzburg Consolidated Stock.

Where payable.

of such stock to such lawful holder, or his duly authorised attorney, and such payment shall be made at the Town Office in Pietermaritzburg, or at the Bank or place of business of the London Agents of the Mayor and Councillors, or such other place as may be provided for in the receipt or certificate representing such Consolidated Stock.

Council may enter into arrangements for certain purposes.

14. The Mayor and Councillors may from time to time enter into such arrangements with any person or persons as to them may seem fit, providing for all or any of the following things :—

- (a) For the registration of the Consolidated Stock in London and Pietermaritzburg.
- (b) For managing the creation, registration, and issue of Consolidated Stock.
- (c) For effecting the conversion of Loans into Consolidated Stock, and managing transfers thereof.
- (d) For paying interest on Consolidated Stock.
- (e) For issuing Consolidated Stock certificates to bearers, and as often as occasion shall require re-issuing or re-registering Consolidated Stock, and re-issuing Consolidated Stock certificates.
- (f) Generally for conducting all business connected with Stock or Loans.
- (g) For the remuneration of such person or persons as may be employed in carrying out the provisions of this Law.

Cancellation of existing securities.

Vide Law of 1864 and Law 10, 1881.

15. The debentures or other form of securities issued under the Law of 1864 or the Law No. 10 of 1881, and exchanged or otherwise converted into new Consolidated Stock under this Law shall be forthwith cancelled, and the persons who now are, or hereafter shall be, trustees of Sinking Funds created in terms of either of the said Laws, shall determine what amount of the Sinking Funds held by them respectively, and created under the said Laws for the repayment of such debentures, and other form of securities shall be released, and in the determination of such question, such trustees shall take into consideration the value of the whole investments held by them on account of such Sinking Funds, the amount of debt remaining due, and such other matters as the said trustees may think fit to take into account : Provided that the Mayor and Councillors may appoint three or more trustees for the purposes of determining on the release of the Sinking Fund invested under the said Law of 1864. No member of the Town Council shall be appointed as a Trustee for the above purpose.

Release of Sinking Funds.

Vide Law of 1864 and Law 10, 1881.

16. So much of the Sinking Funds accumulated under the Law of 1864, or the Law No. 10, 1881, respectively, as may be set free by the conversion into or exchange for new Consolidated Stock, or purchase of any debentures or other form of securities issued under the said Laws with new Consolidated Stock under this Law, shall be converted into money and paid to the Mayor and Councillors, to be by them applied in the carrying out and construction of well ascertained permanent improvements and buildings in the City and Borough.

Released Sinking Funds may be applied in construction of permanent improvements and buildings.

Pietermaritzburg Consolidated Stock.

17. The Mayor and Councillors are hereby authorised to borrow and to issue new Consolidated Stock, under the provisions of this Law, for Eleven Thousand Six Hundred Pounds Sterling (£11,600), to be applied in paying a sum of One Thousand Three Hundred and Fifteen Pounds, Fifteen Shillings Sterling (£1,315 15s.), due and owing to the Council of Education of the Colony of Natal, and in or towards the erection of public buildings, and the construction of permanent improvements within the City and Borough.

Consolidated Stock Loan of £11,600 authorised, to be applied in payment of a debt to the Council of Education and in buildings and improvements.

18. In case the interest payable in respect of any part of the said Consolidated debt shall be in arrear and unpaid for thirty days after the time for the payment thereof, and after demand made, it shall and may be lawful for the Supreme Court of the Colony of Natal, as often as such default shall occur, at the instance of any person whose interest shall be in arrear, to cause a special rate to be levied upon the real or immovable property situate within the said City and Borough, which is now, or hereafter may be, liable to be rated for Municipal purposes under the Law No. 19 of 1872, to the intent that all arrear interest may be paid out of the proceeds of such special rate.

In case of 30 days' default of payment of interest Supreme Court may cause a special rate to be levied.

Vide Law 19, 1872.

19. In case the principal money payable in respect of such Consolidated Stock shall not be repaid upon demand at or after the day fixed for the payment thereof, it shall be lawful for the said Supreme Court as often as such default shall occur, and at the instance of any person whose claim shall be unsatisfied to cause a sale or sales to be made of so much of the Town Lands of the City and Borough as may be necessary for the purpose of raising and paying such principal money, and in case the proceeds of such land sales shall be insufficient to pay and satisfy all moneys due and payable, then the deficiency shall be made good by a special rate or special rates to be levied in the manner hereinbefore provided with respect to the payment of arrear interest.

In case of default of payment of principal Supreme Court may order sale of Town Lands, and, in case of deficiency, may cause a special rate to be levied.

20. Nothing in this Law, and nothing done under the provisions of this Law, except by agreement, shall take away, abridge, or prejudicially affect any right or interest by way of priority, or otherwise, of any person in or to the securities granted under the Law of 1864, and Law No. 10, 1881, respectively, or in any Sinking Fund, or any remedy which any person would have had or might have exercised in respect of any such right or interest, as if this Law had not been passed.

Rights already existing not affected, except by agreement.

Vide Law of 1864 and Law 10, 1881.

21. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of this Law.

Given at Government House, Natal, this 24th day of October, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.

Colonial Secretary.

Registration of Native Servants.

LAW No. 21, 1888.

(Signed) A. E. HAVELOCK.

To facilitate the Registration of Native Servants and Servants belonging to Uncivilised Races within the Boroughs of Pietermaritzburg and Durban.

Preamble.

WHEREAS it is desirable to assist the Town Councils of the Boroughs of Pietermaritzburg and Durban to effect a registration of Native Servants and Servants belonging to Uncivilised Races within the said Boroughs :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Interpretation.

1. In construing this Law the term "Native" shall mean a Native as defined in the Law No. 14, 1888. The term "Uncivilised Races" shall include all barbarous or semi-barbarous races, and all Indians introduced into this Colony as indentured labourers, but who shall not at the time being be serving under such indenture or a renewal thereof.

Town Councils of Pietermaritzburg and Durban may establish a system of registration of servants.

2. The Town Councils of the Boroughs of Pietermaritzburg and Durban, constituted under Law No. 19, 1872, shall be and the same are hereby authorised to establish a system of registration of Natives, or persons belonging to uncivilised races, resident, and employed by the day or month, or any longer period, or seeking employment, within their respective Boroughs.

Such system to be by By-laws.

3. Such system of registration shall be by By-laws, to be made and confirmed as other By-laws of the said Boroughs, under the provisions of the "Municipal Corporations Law, 1872."

Penalty for contravening By-laws.

4. Any person contravening any of the By-laws made under the provisions of this Law shall be liable to pay a fine not exceeding £2, or in default of payment to be imprisoned with or without hard labour for any period not exceeding two months.

Prosecution.

5. All prosecutions for any such contraventions may be instituted before the Magistrate having jurisdiction in such Borough, by or on behalf of the Town Council.

Arrest of offenders.

6. The police or other proper officers of the Borough are hereby empowered summarily to arrest all persons contravening any of the said By-laws, and to lodge them in the station house of the Borough for the purpose of being brought to trial at the first available opportunity, such period not to exceed 24 hours : Provided that it shall be lawful for such police or other officers to release any person from such custody upon reasonable bail to appear and answer to the charge to be brought against him.

Charge for entry in register.

7. Provision may be made by the said By-laws for such a reasonable charge for each entry in the register as shall be approved by the Governor in Council.

Registration of Native Servants.—Fraudulent Marks.

8. Provision may be made by the said By-laws for the registration of contracts between masters and servants who may wish to register such contracts.

Contracts between masters and servants may be registered

9. Any person residing where this Law is in operation, employing a Native, or person belonging to any uncivilised race, not provided with a registration ticket, shall be liable to a fine not exceeding £2, or in default of payment to imprisonment for seven days.

Penalty for employing servants not provided with registration ticket:

10. All fines and money penalties taken under the provisions of this Law shall form a portion of the revenues of the respective boroughs.

Fines and penalties to form part of the Borough revenues.

11. The cost of maintaining in prison any person imprisoned under the provisions of the fourth section of this Law shall be defrayed by the respective Corporations.

Cost of maintaining offenders in prison to be defrayed by Corporation.

12. None of the provisions of this Law shall apply to European servants or servants of European descent.

This Law not to apply to European servants or servants of European descent.

Given at Government House, Natal, this 24th day of October, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 22, 1888.

(Signed) A. E. HAVELOCK.

To amend the Law relating to Fraudulent Marks on Merchandise.

Amended by Law 11, 1888.

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Law may be cited as “The Merchandise Marks Law, 1888.”

Short title.

2.—(1.) Every person who—

Offences as to trade marks and trade descriptions.

- (a) Forges any trade mark ; or
- (b) Falsely applies to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive ; or
- (c) Makes any die, block, machine, or other instrument for the purpose of forging, or of being used for forging, a trade mark ; or
- (d) Applies any false trade description to goods ; or

MM

Fraudulent Marks.

- (e) Disposes of, or has in his possession, any die, block, machine, or other instrument for the purpose of forging a trade mark ; or
- (f) Causes any of the things above in this section mentioned to be done ;

shall, subject to the provisions of this Law, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Law. .

(2.) Every person who sells, or exposes for, or has in his possession for sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark, or mark so nearly resembling a trade mark as to be calculated to deceive, is falsely applied, as the case may be, shall, unless he proves—

- (a) That, having taken all reasonable precautions against committing an offence against this Law, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade mark, mark, or trade description ; and
- (b) That on demand made by, or on behalf of, the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things ; or
- (c) That otherwise he had acted innocently ;

be guilty of an offence against this Law.

(8.) Every person guilty of an offence against this Law shall be liable—

- I. On conviction on indictment in the Supreme Court, or any Circuit Court, to imprisonment, with or without hard labour, for any term not exceeding two years, or to a fine not exceeding Fifty Pounds sterling, or to both imprisonment and fine ; and
- II. On conviction in the Court of a Resident Magistrate, to imprisonment, with or without hard labour, for any term not exceeding three months, or to a fine not exceeding Ten Pounds ; and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for any term not exceeding six months, or to a fine not exceeding Fifty Pounds ; and
- III. In any case to forfeit to Her Majesty every chattel, article, instrument, or thing by means of, or in relation to, which the offence has been committed.
- IV. The Court before whom any person is convicted under this section may order any forfeited articles to be destroyed, or otherwise disposed of, as the Court thinks fit.

Fraudulent Marks.

- v. All contraventions of this Law which, in the opinion of the Attorney-General, are proper for trial in the Courts of the Resident Magistrates, may be prosecuted at the instance of the Clerk of the Peace, or of any officer specially deputed by the Attorney-General in that behalf, in the Court of the Resident Magistrate having jurisdiction in the County or Division in which the offence has been committed, or in which the person charged with contravention shall be found; and all contraventions proper for trial in the Supreme or Circuit Courts shall be prosecuted on indictment by the Attorney-General in the usual manner in the Supreme Court or any Circuit Court; and in the case of a prosecution in a Circuit Court it shall not be necessary for the prosecutor to show, nor shall it be material, whether the contravention charged was committed within the jurisdiction of such Circuit Court: Provided, however, that it appear that such contravention occurred in the Colony.
- vi. Any person charged with an offence against this Law before the Court of a Resident Magistrate shall, on appearing before the Court, and before the charge is gone into, be informed that he has a right to be tried on indictment, and, if he require it, shall be so tried accordingly.
- vii. Any person feeling aggrieved by any conviction made by a Court of a Resident Magistrate may appeal therefrom to the Supreme Court or a Circuit Court.

3.—(1.) For the purposes of this Law—

Definitions.

The expression "trade mark" means a trade mark registered in the register of trade marks kept under the "Trade Marks Law, 1885," and includes any trade mark which, either with or without registration, is protected by Law in the United Kingdom, or any British possession or foreign State to which the provisions of the one hundred and third section of the Patents, Designs, and Trade Marks Act, 1888 (46 and 47 Vic., ch. 57), are, under Order in Council, for the time being applicable:

46 and 47 Vic.,
ch. 57.

The expression "trade description" means any description, statement, or other indication, direct or indirect,

- (a) As to the number, quantity, measure, gauge, or weight of any goods; or
- (b) As to the place or country in which any goods were made or produced; or
- (c) As to the mode of manufacturing or producing any goods; or

Fraudulent Marks.

(d) As to the material of which any goods are composed ;
or

(e) As to any goods being the subject of an existing
patent, privilege, or copyright ;

and the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Law :

The expression " false trade description " means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect, and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being a false trade description within the meaning of this Law :

The expression " goods " means anything which is the subject of trade, manufacture, or merchandise ;

The expressions " person," " manufacturer, dealer, or trader," and " proprietor," include any body of persons, corporate or unincorporate :

The expression " name " includes any abbreviation of a name.

(2.) The provisions of this Law respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement, or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

(3.) The provisions of this Law respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description ; and for the purposes of this enactment the expression false name or initials means, as applied to any goods, any name or initials of a person which—

- (a) Are not a trade mark, or part of a trade mark ; and
- (b) Are identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of same description, and not having authorised the use of such name or initials ; and
- (c) Are either those of a fictitious person, or of some person not *bona fide* carrying on business in connection with such goods.

Fraudulent Marks.

4. A person shall be deemed to forge a trade mark who ^{Forging trade mark.} either—

- (a) Without the assent of the proprietor of the trade mark makes that trade mark, or a mark so nearly resembling that trade mark as to be calculated to deceive ; or
- (b) Falsifies any genuine trade mark, whether by alteration, addition, effacement, or otherwise ;

and any trade mark, or mark so made or falsified, is in this Law referred to as a forged trade mark : Provided that in any prosecution for forging a trade mark the burden of proving the assent of the proprietor shall lie on the defendant.

5.—(1) A person shall be deemed to apply a trade mark, or ^{Applying marks and descriptions} mark or trade description, to goods who—

- (a) Applies it to the goods themselves ; or
- (b) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed, or had in possession for any purpose of sale, trade, or manufacture ; or
- (c) Places, encloses, or annexes any goods which are sold or exposed, or had in possession for any purpose of sale, trade, or manufacture, in, with, or to any covering, label, reel, or other thing to which a trade mark or trade description has been applied ; or
- (d) Uses a trade mark, or mark, or trade description, in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade mark, or mark, or trade description.

(2.) The expression “ covering ” includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame, or wrapper ; and the expression “ label ” includes any band or ticket. A trade mark, or mark, or trade description shall be deemed to be applied whether it is woven, impressed, or otherwise worked into, or annexed or affixed to the goods, or to any covering, label, reel, or other thing.

(3.) A person shall be deemed to falsely apply to goods a trade mark, or mark, who, without the assent of the proprietor of a trade mark, applies such trade mark, or a mark so nearly resembling it as to be calculated to deceive, but in any prosecution for falsely applying a trade mark, or mark, to goods, the burden of proving the assent of the proprietor shall lie on the defendant.

6. Where a defendant is charged with making any die, block, machine, or other instrument for the purpose of forging, or being used for forging, a trade mark, or with falsely applying to goods any trade mark or any mark so nearly resembling a trade mark as to be ^{Exemption of certain persons employed in ordinary course of business.}

Fraudulent Marks.

calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

- (a) That in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines, or other instruments for making or being used in making, trade marks, or as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Colony of Natal, and was not interested in the goods by way of profit or commission dependent on the sale of such goods ; and
- (b) That he took reasonable precautions against committing the offence charged ; and
- (c) That he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark, or trade description ; and
- (d) That he gave to the prosecutor all the information in his power with respect to the person on whose behalf the trade mark, mark, or description was applied,

he shall be discharged from the prosecution.

Application of
Law to watches.

7. Where a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall *prima facie* be deemed to be a description of that country within the meaning of this Law, and the provisions of this Law with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for or having in possession for sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly, and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch case. This section shall not apply to watches now in the possession of any dealer in Natal, nor to watches ordered to be manufactured by or for any dealer in Natal, if such order has been placed prior to the First day of August of this year (1888) : Provided that a proper Return of such watches as may be in stock on the passing of this Law, or ordered as aforesaid, shall be made and sent in to the Resident Magistrate ; such Return, in the case of watches in stock, to give a particular description of each watch, with the number on or in such watch, in such manner as will identify such watch ; such Return to be made and sent in to the proper officer within thirty days of the passing of this Law. In the case of watches on order before the First day of August, 1888, a Return, showing the identifying number of such watches, shall be sent in to the above-mentioned officer within fourteen days of the arrival and receipt of the articles named. Such Returns to be in

Fraudulent Marks.

form as Schedules A and B annexed, and to be sent in duplicate to the Resident Magistrate, or other officer, one copy of such Returns to be retained by the Resident Magistrate, or other officer, and the other copy to be signed by the Resident Magistrate, or other officer, and to be returned to the dealer, to be by him kept and held as a voucher or license in regard to the articles specified thereon.

8. In any indictment, pleading, proceeding, or document, in which any trade mark or forged trade mark is intended to be mentioned, it shall be sufficient, without further description and without any copy or facsimile, to state that trade mark or forged trade mark to be a trade mark or forged trade mark.

Trade mark, how described in pleading.

9. In any prosecution for an offence against this Law—

Rules as to evidence.

(1.) A defendant, and his wife or her husband, as the case may be, may, if the defendant thinks fit, be called as a witness, and, if called, shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness.

(2.) In the case of imported goods, evidence of the port of shipment shall be *prima facie* evidence of the place or country in which the goods were made or produced.

10. Any person who, being within the Colony of Natal, procures, counsels, aids, abets, or is accessory to the commission, without the Colony of Natal, of any act, which, if committed in the Colony of Natal, would under this Law be an offence against this Law, shall be guilty of that offence as a principal, and be liable to be indicted, proceeded against, tried, and convicted, in any place in the Colony of Natal in which he may be, as if the offence had been there committed.

Punishment of accessories.

11.—(1.) Where, upon information of an offence against this Law, a Resident Magistrate has issued either a summons requiring the defendant charged by such information to appear to answer to the same, or a warrant for the arrest of such defendant, and either the said Resident Magistrate, on or after issuing the summons or warrant, or any other Resident Magistrate, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things, by means of or in relation to which such offence has been committed, are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such Resident Magistrate may issue a warrant under his hand, by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter such house, premises, or place at any reasonable time by day, and to search there for and seize and take away those goods or things; and any goods or things seized under any such warrant shall be brought before the Court of the Resident Magistrate having jurisdiction for the purpose of its being determined whether the same are or are not liable to forfeiture under this Law.

Search warrant.

(2.) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Law, is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and the Court of the Resident Magistrate having jurisdiction may cause

Fraudulent Marks.

notice to be advertised stating that, unless cause be shown to the contrary at the time and place named in the notice, such goods or things will be forfeited, and at such time and place the Court, unless the owner or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may order such goods or things, or any of them, to be forfeited.

(3.) Any goods or things forfeited under this section, or under any other provision of this Law, may be destroyed or otherwise disposed of, in such manner as the Court by which the same are forfeited may direct, and the Court may, out of any proceeds which may be realised by the disposition of such goods (all trade marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

Limitation of
prosecution.

12. No prosecution for an offence against this Law shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

Prohibition on
importation.

13. Whereas it is expedient to make provisions for prohibiting the importation of goods, which, if sold, would be liable to forfeiture under this Law : Be it therefore enacted, as follows :—

Vide Law 11,
1889.

(1.) All such goods, and also all goods of foreign manufacture bearing any name or trade mark being or purporting to be the name or trade mark of any manufacturer, dealer, or trader in the Colony of Natal, unless such name or trade mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into the Colony of Natal, and, subject to the provisions of this section, shall be included among goods prohibited to be imported as if they were specified in Schedule D of "The Customs Duties and Transit Dues Law, 1886."

Law No. 4, 1886.

(2.) Before detaining any such goods, or taking any further proceedings with a view to the forfeiture thereof under the Law relating to the Customs, the Collector of Customs may require the regulations under this section, whether as to information, security, conditions, or other matters, to be complied with, and may satisfy himself, in accordance with those regulations that the goods are such as are prohibited by this section to be imported.

(3.) The Collector of Customs may from time to time make, revoke, and vary regulations, either general or special, respecting the detention and forfeiture of goods the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such regulations determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

Vide Law 11,
1889.

(4.) Where there is on any goods a name which is identical with, or a colourable imitation of, the name of a place in the Colony of Natal, that name, unless accompanied by the name of the country in

Fraudulent Marks.

which such place is situate, shall be treated for the purposes of this section as if it were the name of a place in the Colony of Natal.

(5.) Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods, or of offences in relation to such goods.

(6.) The Collector of Customs, in making and in administering the regulations, and generally in the administration of this section, whether in the exercise of any discretion or opinion, or otherwise, shall act under the control of the Governor.

(7.) The regulations may provide for the informant reimbursing the Collector of Customs all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention.

(8.) All regulations made under this section shall be published in the *Natal Government Gazette*.

14. On the sale or in the contract for the sale of any goods to which a trade mark, or mark or trade description, has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade mark, and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Law, unless the contrary is expressed in some writing signed by or on behalf of the vendor, and delivered at the time of the sale or contract to and accepted by the vendee.

Implied warranty on sale of marked goods.

15. Where, at the passing of this Law, a trade description is lawfully and generally applied to goods of a particular class, or manufactured by a particular method, to indicate the particular class or method of manufacture of such goods, the provisions of this Law with respect to false trade descriptions shall not apply to such trade description when so applied: Provided that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner, with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there: Provided also, that in the case of English-made watches manufactured for, or to the order of, any dealer in Natal, which may bear the name of such dealer, with the town or place in which he carries on business, or the word "Natal," in addition to name or place, or both—as has been and is the usual custom of the trade—in such case the English Hall mark on a gold or silver watch case shall be taken to be, and shall be, a sufficient description of the country in which such watch was made.

Provisions of this Law as to false descriptions not to apply in certain cases.

16.—(1.) This Law shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Law, be brought against him.

Savings.

(2.) Nothing in this Law shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Law.

False representation as to Royal Warrant.

**Repeal of Law 9,
1884.
Vide Law 11,
1889.**

Commencement of Law.

SCHEDULE A.

RETURN of Watches in Stock by , of
, on the day of
 188 , under Section 7, Law .

No. of Watch.	Material of Case.	Description of Watch.

I (or we) hereby declare that the above Watches are now in my (or our) possession.

Fraudulent Marks.

Dated at , this day of 188 .

Signature of Resident Magistrate, or other Officer.

.....

SCHEDULE B.

Particulars of Watches on Order prior to August 1st, 1888, but not yet received.

	Material of which Case is made.	Description of Watch.

I (or we) hereby declare that the above Watches were on Order for me (or us) prior to August 1st, 1888; and I (or we) hereby undertake to furnish to the identifying No. of each Watch as soon as the articles are received by me (or us).

.....

Dated at , this day of 188 .

Signature of Resident Magistrate, or other Officer.

.....

Given at Government House, Natal, this 24th day of
October, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

Postal Drafts.

LAW No. 23, 1888.

(Signed) A. E. HAVELOCK.

To authorise the Post Office Department to issue Postal Drafts for the collection of small sums of money.

Preamble.

WHEREAS it is expedient that provision should be made for the collection of small sums of money through the agency of the Post Office by means of Postal Drafts :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Postmaster-General may authorise issue of postal drafts and collection of the amounts.

1. Subject to such regulations as may be made by the Governor under the provisions of this Law, the Postmaster-General may authorise his officers, or any of them, to issue postal drafts and to collect the amounts thereof.

For what sums drafts may be issued.

2. No postal drafts shall be issued for a higher amount than Ten Pounds Sterling, nor for any sum which shall include the fractional part of a penny.

Governor may make regulations.

3. The Governor may from time to time make, alter, and repeal regulations for all or any of the following purposes :—

- (1.) The fees to be received in respect of the issue to the drawer and presentation to the drawee of postal drafts.
- (2.) The charges to be made for the collection from the drawee and transmission to the drawer or other person authorised to receive the same of the amounts for which any such drafts shall have been drawn.
- (3.) For regulating the manner in which any fees payable under the provisions of this Law shall be paid and brought to account.
- (4.) For regulating the persons by or through whom and the places where and the times when such drafts shall be issued, and the persons by or through whom and the places where and the times when such drafts shall be presented for payment, and the payment of the amounts thereof received.
- (5.) For regulating the length of time for which such drafts shall remain current, and the manner in which the demands for the payment thereof shall be made.
- (6.) For regulating the conduct of all postmasters and other officers charged with the issue of such drafts and the collection of the amounts thereof.
- (7.) For any other purposes whatsoever necessary for the effectual carrying out of the object and provisions of this Law.

Payments to be in current coin.

4. All amounts payable to the Post Office in respect of any postal draft shall be payable in current coin.

Postal Drafts.

5. Every draft shall be payable in full, and it shall not be lawful for any postmaster or other officer of the Post Office to accept the payment of any sum in instalments.

All drafts payable in full.

6. All demands which, under the provisions of this Law, or the Regulations to be framed by virtue thereof, shall have been authorised by the drawer of any postal draft, shall be made by the postmaster, or by some other officer of the Post Office, duly authorised by the Postmaster-General in that behalf by letter, on the form prescribed in the Regulations to be framed under the provisions of this Law; and the letter shall be addressed to the drawee at the address given by the drawer, and shall be forwarded by post, registered, to the nearest Post Office to such address; and in the event of no reply being received to such demand, the postal draft, in respect of the payment of the amount of which such demand shall have been issued, shall be returned to the drawer at the termination of the currency thereof, accompanied by a statement on the proper form, certifying to the non-payment thereof.

Demand to be made by Postmaster or other authorised officer by registered letter posted to drawee's address.

If no reply received draft to be returned to drawer with certificate of non payment.

7. The presentation in accordance with the provisions of this Law or the regulations to be framed by virtue thereof, of any postal draft, shall be of the same force and effect as a legal demand, and the return of any such draft so presented, by reason of the non-payment of the amount thereof by the drawee, and the report thereon by any postmaster or other duly authorised officer, shall, in any suit or action on the account or claim, in respect of which such draft was drawn, be taken on the mere production of such returned draft, together with the report thereon, as evidence of the fact stated in such report, unless the contrary shall be proved.

Presentation of draft to have effect as a legal demand.

Report thereon to be evidence of facts stated in the report.

8. No receipt, demand, or other document issued under the provisions of this Law shall be chargeable with any fees or duties whatsoever, excepting such as shall be imposed by the regulations made by the Governor under the authority of the third section hereof.

No document chargeable with fees or duties except as fixed by the regulations.

9. The Governor may from time to time make conventions with the proper authorities of any other British possession or foreign country for the institution of a system of postal drafts between this Colony and such other British possession or foreign country as the case may be, and by proclamation in the *Government Gazette*, define the time when such convention shall come into operation, and the regulations under which it shall be carried into effect.

Governor may make conventions with other colonies or countries for a postal draft system.

10. The presentation of a draft to the drawee, or the non-presentation within the prescribed period when the drawee cannot be communicated with, and in the case of payment, the collection of the amount of a postal draft and the transmission of the money in the form of a money order or postal order in a registered letter to the drawer, shall discharge the Postmaster-General and his officers from all liability whatsoever in respect of such draft, notwithstanding any forgery, fraud, or mistake which may have been committed or have occurred in reference to such draft, or to the procuring thereof, or to obtaining payment thereof, or by reason of any default, delay, or loss, in respect of any sum collected or to be collected, and notwith-

Presentation of draft or non-presentation when drawee cannot be communicated with, or collection and transmission by money order or postal order to drawer, to discharge postal officers from all liability.

Postal Drafts.—Excise.

standing any disregard of any regulations to be framed under the provisions of this Law.

Interpretation.

11. In the interpretation of this Law the term "Postmaster-General" shall mean the Postmaster-General of the Colony for the time being; the term "postmaster" shall mean the postmaster or other officer duly authorised to issue or collect the amounts of postal drafts; the term "drawer" shall mean the person in whose favour or on whose behalf a postal draft shall be issued; the term "drawee" shall mean the person from whom the amount of a postal draft is to be collected.

Copies of regulations, conventions, and orders to be laid before Legislative Council.

12. Copies of all regulations and conventions, and orders made by the Governor under the provisions of this Law shall, from time to time, be laid before the Legislative Council within thirty days after the making thereof, if in session, and if not in session, after the commencement of the next session.

Commencement of Law.

13. This Law shall come into operation on such day as may be fixed by the Governor by proclamation, and may be cited for all purposes as the "Postal Drafts Law, 1888."

Given at Government House, Natal, this 12th day of November, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 24, 1888.

(Signed) A. E. HAVELOCK.

To amend and Extend in Certain Respects the Excise Laws.

Preamble.

Vide Laws 14, 1888, and 1, 1871.

WHEREAS, in order to secure the more effectual working of the Excise Laws of this Colony it is expedient to amend certain Sections of the "Excise Law, 1868," and Law No. 1, 1871, known as the "Excise Law Amendment Law, 1871."

And whereas no provision is made in the existing Excise Laws for granting licenses for the rectifying and compounding of spirits in the Colony; and whereas it is expedient to provide for the issuing of such licenses, and for bringing the same under the provisions of the Excise Laws:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Proviso at end of Sec. 19 of Law 14, 1888, repealed.

1. The proviso at the end of Section 19 of the "Excise Law, 1868," as follows: "Provided always, the obligation imposed by this section shall devolve upon, and be carried into effect and discharged by the officer placed in charged of any distillery, whe

Excise.

fit and proper rooms or lodgings and stable are provided by the distiller for the use of such officer," shall be and the same is hereby repealed.

2. Section 33 of the "Excise Law, 1868," is hereby repealed, and the following substituted therefor:—Upon the delivery from any public, or from any private warehouse under revenue lock, of any cask of spirits warehoused, the Excise Surveyor may allow and deduct from the quantity computed at hydrometer proof as originally warehoused, as an allowance for any deficiency which may have arisen from any natural waste, the following rates for every hundred gallons of such spirits, that is to say: Where the same shall have been in warehouse for any period less than one month, 2 per cent.; one month, and less than two months, 3 per cent.; two months, and less than six months, 4 per cent.; six months, and less than one year, 5 per cent.; for every six months, and any fractional part of six months, above one year and up to four years, 1 per cent.; and for every six months, and any fractional part of six months, above four years and up to six years, one-half per cent.; and no allowance shall be made for any deficiency which may arise in such spirits after the same shall have been six years in warehouse.

3. Wherever in Section 34 of the "Excise Law, 1868," the term "Collector of Customs" is used, the term "Controller of Excise" shall henceforth be deemed to be substituted.

4. The proviso at the end of Section 44 of the "Excise Law, 1868," is hereby repealed, and the following substituted therefor:—Provided always, that no such distiller shall be liable to such last-mentioned penalties in any case where such excess or decrease shall not exceed two per centum on the quantity of spirits formed by the balance left on the last stocktaking, and the quantity since duly brought into stock by the spirit receiver, if such last stocktaking be no further distant than one calendar month, or three per centum if more than one calendar month; or if such distiller shall prove to the satisfaction of the Controller of Excise that such decrease did not result from any fraud practised or intended.

5. The term "Controller of Excise" shall henceforth be deemed to be substituted for the term "Resident Magistrate" wherever occurring in Section 45 of the "Excise Law, 1868."

6. From and after the passing of this Law the following Schedule shall be deemed to be substituted for Schedule A at the end of the "Excise Law, 1868":—

SCHEDULE A.

[Law No. 14, 1868.]

License is hereby granted to

, residing at

Sec. 33 of Law 14, 1868, repealed.

Clause substituted therefor.

Deduction to be made upon delivery of spirits from a warehouse for waste.

Controller of Excise substituted for Collector of Customs in Sec. 34 of Law 14, 1868.

Repeal of proviso at end of Sec. 44 of Law 14, 1868.

Proviso substituted therefor.

Controller of Excise substituted for Resident Magistrate in Sec. 45 of Law 14, 1868.

Schedule substituted for Schedule A of Law 14, 1868.

Excise.

to use Still in distilling Spirituous Liquors
 at , County of , and titled
 Distillery, to be in force from the date hereof until the
 day of , 18 , and no longer.

Resident Magistrate.

Resident Magistrate's Office,

18 .

* Proprietor, Trustee, Lessee, or Manager, as the case may be.

Permits under
 Sec. 4 of Law 1,
 1871, to be
 granted by
 Controller of
 Excise.

Vide Law 14,
 1868, Sec. 34.

Permission may
 be granted for
 removal of spirits
 from one public
 warehouse to
 another, under
 permit.

Vide Law 14,
 1868, Sec. 23.

First or other
 clerk to a Resi-
 dent Magistrate
 may sign removal
 permits for the
 Magistrate in
 certain cases.

7. Section 4 of Law No. 1, 1871, is hereby amended by the substitution of the "Controller of Excise" for the "Collector of Customs" as the officer authorised to grant written permission to export rum or spirits from the Colony, as provided for in Section 34 of Law 14, 1868, and as amended by this Law.

8. The Controller of Excise is hereby authorised and empowered to grant permission for the removal of spirits from one public warehouse to another public warehouse, under security of a sufficient bond to be approved by the said Controller of Excise and on payment of warehouse charges before removal of the spirits: Provided that any spirits so removed shall be accompanied by the permit required under Section 23, Law 14, 1868.

9. Wherever in the "Excise Law, 1868," the Resident Magistrate is specified as the officer empowered to sign permits for the removal of duty-paid spirits from any distillery, still-house, building, or other place within which the same were made or manufactured, rectified or compounded, or kept by any distiller of spirits, or for removal of any duty-paid spirits from any public warehouse in which the same shall have been warehoused, the provisions of such Law in respect of such permit shall be deemed to be complied with if the said permits be signed by the first clerk, or other clerk duly authorised to sign permits, to the Resident Magistrate as and for the Resident Magistrate, while such Resident Magistrate shall be otherwise engaged in the performance of his other official duties on the Bench or is absent from the seat of Magistracy: Provided that nothing in this section shall be deemed to take away from any Resident Magistrate any power vested in him under the provisions of the "Excise Law, 1868," in regard to the signing of such permits as aforesaid, nor exonerate him from any responsibility for the due and proper performance of this duty.

10. Sub-section *b* of Section 71 of "The Municipal Corporations Law, 1872," is hereby amended by expunging therefrom the words "and distillers of spirituous liquors," and the power conferred on a Municipal Corporation by such Law, or on any Local Board established under the provisions of Law 11 of 1881, to issue licenses to distillers of spirituous liquors under the Laws cited in said Laws shall be and the same is hereby transferred to the Resident Magistrate of the borough or division within the limits of which the distillery is situated for which such license is required: Provided also that all and singular the powers vested in a Municipal Corporation

Law 19, 1872,
 Sec. 71, Sub sec.
b, amended by
 expunging words
 "and distillers
 of spirituous
 liquors."

Power of Municipal
 Corporations and
 Local Boards
 to issue licenses
 to distillers
 transferred to
 Resident
 Magistrates.

Excise.

under Law 19, 1872, or in any Local Board established under the aforesaid Law No. 11 of 1881, regarding the making of regulations with respect to licenses granted to distillers of spirituous liquors, defining the nature thereof, and altering, increasing, or reducing the prices of such licenses (anything contained in such Municipal Corporations Law, 1872, or in the management of Townships Law No. 11, 1881, or in any other Law or Ordinance affecting either of the same, to the contrary notwithstanding) are hereby transferred to the Governor of Natal: And provided further, that all contraventions of any Ordinance, Law, or Regulation affecting any such distiller's license as aforesaid shall be prosecuted in manner provided by the Excise Laws of this Colony, or the Rules and Regulations framed thereunder, and that the amounts accruing from such licenses and the penalties imposed for any contravention of any Ordinance, Law, or Regulation in force affecting any such distiller's license as aforesaid shall be paid into the Colonial Treasury and form part of the public revenue: Provided further, that it shall be lawful for the Controller of Excise or officer directed by him to enter any licensed premises within any borough or township for the purpose of examining and taking account of the stock of any wholesale or retail spirit dealer within any such borough or township.

Proviso: Power vested in Municipal Corporations or Local Boards to make regulations, &c., regarding licenses to distillers transferred to the Governor.

And contraventions to be prosecuted according to the Excise Laws and Regulations.

Premises may be entered for inspection of stock.

11. From and after the date at which this Law shall take effect, it shall not be lawful for any person to rectify or compound spirits or to have or use any still whatever for the purpose of rectifying or compounding of spirits without having obtained a license for that purpose, under the provisions of this Law; every such license shall specify the name or names of the person or persons to whom granted, the particular local situation of the premises to be used and capacity of the still in respect whereof such license shall be granted; and every such license shall take effect from a day to be named in such license, and shall continue in force until and upon the Thirty-first day of December next after the day of the commencement of such license, and no longer: Provided the co-owners of any premises, or persons in partnership, carrying on any one trade or business as rectifiers or compounders of spirits in one house or place, shall not be obliged to take out more than one such license in any one year; and no one license which shall be granted under the authority of this Law shall empower any person to whom the same shall be granted, to have or make use of any still, or to rectify or compound spirits in or upon any still or premises other than the still or premises mentioned in such license.

License for rectification and compounding of spirits, and for stills used for the purpose.

12. Every license to rectify or compound spirits shall be granted and signed by the Resident Magistrate of the Division or County in which the approved premises are situated, upon the payment of the sum of Five Pounds for each and every still used complete in all its parts: Provided that no such license as aforesaid shall be granted unless and until the person applying for the same shall have produced and lodged with the Resident Magistrate a certificate signed by the

License to be granted by Resident Magistrate on payment of £5 for each still.

Proviso.

NN

Excise.

Controller of Excise setting forth that the buildings or premises within which it is proposed to rectify or compound spirits are of a suitable character for the purpose.

Bond to be given before obtaining license.

13. Every person before obtaining a license to rectify or compound spirits shall, on each and every obtaining of such license, together with two sureties to be approved by the Resident Magistrate, enter into a bond, jointly and severally in the sum of One Hundred Pounds sterling, in such form of bond as the Controller of Excise may approve.

Change of surety.

14. In the event of any surety becoming, in the opinion of the Controller of Excise, insufficient from any cause, the said Controller of Excise shall give notice in writing to the Rectifier or Compounder to furnish another sufficient surety in his stead; and if this be not done within one calendar month after such notice, it shall be lawful for the Controller of Excise to cause any still on the premises of such Rectifier or Compounder to be placed under revenue lock and key, or other security, until such surety shall be furnished.

Transfer of license to widow, agent, or trustee.

15. A license granted under this Law or any Law hereafter enacted, shall be transferable by the Controller of Excise to a successor to the business of the original licensee, or to the widow, agent, or trustee in the estate of a deceased holder of a license: Provided that every person or persons to whom a license shall be so transferred shall furnish the security under bond required by the provisions of this Law (Sections 13 and 14).

When premises are situate a quarter of a mile from a borough or township, house and appurtenances to be provided for officer in charge.

16. When the premises, for which a license to keep a still under this Law shall have been granted, are situated at a distance of one-quarter-of-a-mile or upwards from the limits of a Borough or Local Board, the Rectifier shall within three months after the Controller of Excise may request him so to do, provide a suitable house with requisite appurtenances for the use of the officer to be placed in charge of the licensed premises, conveniently situated and approved by the Controller of Excise at a cost not exceeding Twenty-five Pounds per annum; and if the rectifier shall neglect or refuse to provide such house or requisite appurtenances, or shall not keep them in proper repair, or shall interrupt or in any way interfere with such officer in the use of them, such rectifier shall incur a fine not exceeding Fifty Pounds.

Still to be under supervision of Excise Department.

17. Every still for which a license shall be granted under this Law shall be under the supervision of the Excise Department, and it shall be lawful for the Controller of Excise to refuse the grant of a certificate for the issue of a renewal license to any Rectifier or Compounder who shall have been convicted before any competent tribunal of having illicitly rectified, compounded, removed, transported, or sold colonial spirits or compounds; or for the issue of a new license to any person or for any premises in which he may think it inexpedient to allow such business to be carried on.

Entry to be made before receiving spirits for rectifying or compounding.

18. Every person after obtaining a license under this Law must before receiving any spirits for rectifying or compounding make entry with the Controller, or other authorised officer, setting forth:

(a) His full name and abode, and in the event of a firm,

Excise.

- the full name and abode of each partner, the situation of the premises intended to be entered, and the name or style under which it is intended the business shall be carried on.
- (b) A true and particular description of every room, vessel, and utensil intended to be used on those premises for the purpose of his business, and the purposes for which every room, vessel, and utensil is intended to be used, or colonial compounds and spirits kept and stored.
 - (c) The number of gallons, imperial measure, which every still with its head is capable of holding.

If a rectifier or compounder makes any false entry, or uses or allows to be used any room, vessel, or utensil for any illicit or illegal purposes, he shall incur a fine not exceeding One Hundred Pounds.

Penalty for false entry.

19. Every person licensed under this Law shall, without delay, have legibly painted in letters at least two inches in height on or above the principal entrance door of his licensed premises his name and business, or the name of the firm or style under which the business is to be carried on; and shall at his own expense, and to the satisfaction of the Controller of Excise—

Conditions to be observed by holders of licenses.

- (a) Erect, place, affix, and maintain each still, vessel, or utensil in a convenient situation.
- (b) Provide and maintain with each still requisite pipes, cocks, fittings, and fastenings.
- (c) Provide and maintain a one gallon measure, safe ladders, sufficient lights, and allow the use of the same by any officer for taking any account of spirits in his stock, or for ascertaining the contents of any still, vessel, or utensil in his premises.
- (d) Himself or servants render any necessary assistance to any officer when gauging, or ascertaining the contents of any still, vessel, or utensil, or taking account of the stock of spirits.
- (e) Mark and keep marked by a distinguishing letter or number, or both, every room, vessel, or utensil where, and in which, spirits or colonial compounds are to be kept, stored, or removed.

If any person contravenes any of the foregoing provisions of this section, or by himself or his servants annoy, molest, obstruct or hinder any officer in taking any account or other performance of his duties he shall incur a fine not exceeding One Hundred Pounds.

Penalty for contravention.

20. No person may make entry of or use for rectifying or compounding spirits, or for receiving or keeping spirits as a rectifier or compounder, any premises within a quarter-of-a-mile of any premises entered or used for brewing or making wort or wash or for distilling spirits, or for receiving or keeping spirits by a distiller. If any person contravenes this section he shall incur a fine not exceeding One Hundred Pounds for every week during which the premises are so entered or used.

Premises not to be within a quarter of a mile of other premises used for brewing making wort or wash, &c.

Excise.

Rectifier not to carry on certain businesses upon same premises.

21. A rectifier keeping a still may not carry on upon his premises the business of a brewer of beer or a maker of sweets, vinegar, cider or perry, or a refiner of sugar, or a dealer in or a retailer of wine; nor carry on the business of a rectifier keeping a still upon premises communicating otherwise with any of the aforementioned businesses otherwise than by one open public street or carriage road. If any person contravenes any of the foregoing provisions of this section he shall incur a fine not exceeding One Hundred Pounds.

Nor to have certain things in his possession, nor to distil or extract low wines except from duty-paid spirits.

22. A rectifier keeping a still must not have in his possession any wort wash, fermented liquor or materials capable of being distilled into low wines or spirits; nor distil or extract low wines or spirits from any material except duty-paid spirits; nor have in his possession any spirits for which he has not received and delivered to the proper officer a permit or certificate, or any spirits except what have been rectified or compounded by him as spirits of wine or colonial compounds. If a rectifier contravenes this section he shall for each offence, in addition to any other penalty, incur a fine of Two Hundred Pounds, or at the election of the Governor, of Ten Shillings for every gallon of wort wash, fermented liquor, or other materials, or of the low wines or spirits in respect of which the offence is committed.

Contents of still may be sampled.

23. The Controller of Excise or authorised officer may take a sample of any spirits or compounds from the stock of a rectifier or compounder, or from the contents of a still before it has begun to work or after it has ceased working, and if there is found in the still any wine or wash put into or mixed with low wines, fruits, or spirits, the rectifier shall, in addition to any other penalty, incur a fine not exceeding One Hundred Pounds.

Reception of spirits into rectifier's or compounder's stock or premises.

24. None but duty-paid spirits shall be received into the premises or stock of a rectifier or compounder of spirits, or be used for rectifying or compounding on such premises; and such duty-paid spirits must be received direct from a distillery, Excise public warehouse, or a Customs bonded warehouse, in not less quantity than fifteen liquid gallons; all such spirits so received must be accompanied by a proper permit or certificate. For any contravention of the provisions of this section the rectifier or compounder shall incur a fine not exceeding Fifty Pounds, and forfeit the spirits in respect of which the offence is committed.

Notice to be given on receipt of spirits.

25. A rectifier or compounder must on receipt of any spirits give notice thereof in writing to the proper officer, and deliver to him the permit or certificate received with the spirits. Unless the proper officer neglects to attend within three hours after receiving the notice the rectifier or compounder must not, until the proper officer has taken an account of the spirits so received, break bulk or draw off any portion of the spirits or add water or anything thereto, or in any respect alter the same, or tap, open, alter, or change any cask or package containing any such spirits. If a rectifier or compounder contravenes this section he shall incur a fine not exceeding Fifty Pounds and forfeit the spirits in respect of which the offence is committed.

Officer to take account before bulk broken.

Excise.

26. The stock account of spirits at a rectifier's or compounder's shall be kept in such form, and be taken at such times as the Controller of Excise may direct. If, on balancing the stock, any excess appears, a quantity of spirits computed at proof equal thereto shall be forfeited, and the rectifier or compounder shall incur a fine of Ten Shillings for every gallon of such excess. If, on balancing the stock, there is any deficiency not duly accounted for by spirits sent out with certificate and exceeding five per centum on the balance struck when the account was last taken, together with the quantity since lawfully received, the rectifier or compounder shall incur a fine of Ten Shillings for every gallon of such deficiency.

Stock account,
how to be kept.

Excess or deficiency of stock.

27. For the purpose of taking the stock account, or other account, of spirits on the premises of a rectifier or compounder only such gauging instruments and hydrometer shall be used as may be supplied or approved by the Controller of Excise, and if any Rectifier or Compounder, or person in his employ, shall interfere with or willfully injure any gauging instruments, hydrometers, locks, or other articles used by or under the authority of the Controller of Excise, such rectifier or compounder on whose premises any such offence may be committed shall defray the cost of all repairs and incur a fine not exceeding Fifty Pounds.

Gauging instruments and hydrometer to be approved by Controller.

Penalty for interference with instruments, locks, &c.

28. A rectifier or compounder must not send out any spirits except colonial compounds, or spirits of wine, and in not less quantity than five gallons; and all such spirits or compounds sent out from the premises of a rectifier or compounder must be accompanied by a certificate in form approved by the Controller of Excise. Any rectifier or compounder contravening this section shall for each offence incur a fine not exceeding Fifty Pounds; and all spirits or compounds sent out in contravention of this section, together with all horses, cattle, conveyances, and boats made use of in conveying the same shall be forfeited.

No spirits except Colonial compounds or spirits of wine to be sent out.

29. A rectifier or compounder may, subject to existing provisions by law and regulations, warehouse in an Excise, public or Customs bonded warehouse, for home consumption or exportation, colonial compounds rectified or compounded by him from spirits on which duty has been paid, and not being liqueurs, or tinctures, or medicinal spirits:

Warehousing of compounded and rectified spirits.

- (a) He may so warehouse for exportation but not for home consumption spirits of wine rectified by him from spirits on which duty has been paid.
- (b) Colonial compounds so warehoused must be of a strength not exceeding eleven degrees overproof.
- (c) Colonial compounds and spirits of wine must be warehoused in casks of not less capacity than fifteen gallons, and each cask may either be full or on one gallon ullage.
- (d) All casks warehoused in any one year from the same premises must be numbered consecutively, and have legibly cut, branded, or painted thereon with oil colours on each end thereof, said consecutive number, together with the

Excise.

name and place of business of the rectifier, the year in which warehoused, the capacity and content in gallons, the strength and denomination of spirits or compounds.

- (e) The rectifier must, before warehousing colonial compounds or spirits, deliver to the proper officer in charge of such warehouse, and at least twenty-four hours before the time for warehousing, a warehousing entry specifying the full particulars of the casks and their contents.

Regulations to be made determining drawback for exported Colonial compounds.

30. The amount of drawback to be paid, and the mode of determining such drawback, for colonial compounds exported from any warehouse, shall be subject to such regulations and conditions as the Governor may approve and notify from time to time in the *Government Gazette*.

Rectifiers and compounders subject to certain provisions of Law 14, 1868.

31. A rectifier or compounder of spirits under this Law shall be amenable to the provisions and penalties specified in Sections 47, 48, 49, 50, 52, and 53 of Law No. 14, 1868, applying to spirit dealers and retailers, regarding the several observances and requirements of the said Law.

What shall be deemed spirits of wine and Colonial compounds.

32. For the purpose of this Law, spirits of wine shall be deemed and taken to be spirits at and exceeding forty-two degrees over-proof according to Sykes' or other authorised Hydrometer, and colonial compounds shall be deemed spirits produced by re-distillation and which have been distilled or mixed with the juice of any fruits, juniper berries, carraway seeds, aniseeds, or any other seeds, preparation, ingredient, or flavouring materials whatever whereby the original character or denomination of the spirits has been altered.

Penalty for illicit rectification or compounding.

33. Any person rectifying or compounding spirits without a license, or on whose premises such illicit rectifying or compounding shall take place, shall be liable to a penalty not exceeding one Hundred Pounds, and all the spirits found on the premises shall be declared forfeited: Provided that nothing in this Law shall extend to or in any way interfere with licensed distillers of spirituous liquors under the provisions of Law No. 14, 1868.

Penalty for other contraventions by rectifiers or compounders.

34. Any licensed rectifier or compounder contravening any of the provisions of this Law for which a special penalty has not already been provided, shall be liable to a penalty not exceeding Fifty Pounds.

Governor, with advice of Executive Council, may make rules and regulations for carrying out this Law and Law 14, 1868.

35. It shall and may be lawful for the Governor, with the advice of the Executive Council, from time to time to frame, make, and issue, and to alter or amend as occasion may require, such rules and regulations as he may deem necessary for the better carrying out of this Law, or for the better carrying out of this Law and of the said "Excise Law, 1868"; and such rules and regulations shall, in so far as they are not repugnant to, or inconsistent with, the provisions of this Law, have the same force and effect as if they were herein inserted and set forth; and by such rules and regulations to impose any penalty not exceeding Twenty-five Pounds for any contravention thereof.

Excise.—Rape and Indecent Assault.

36. The penalties under this Law, and under any rules or regulations which may be issued in virtue thereof, shall and may be prosecuted, sued for, and recovered in like manner and by such ways and means as any penalty of the like amount may be prosecuted, sued for, and recovered under the provisions and directions of the said "Excise Law, 1868."

How penalties may be recovered

37. The short title of this Law shall be the "Excise Law Amendment Law, 1888."

Short title of Law.

38. Where not inconsistent with, or repugnant to, the provisions hereof, the "Excise Law, 1868," the "Excise Law Amendment Law, 1871," the Law No. 36, 1874, entitled "Law to amend Law No. 14, 1868, entitled 'Law to amend the Law as to the Distillation of Spirituous Liquors,'" and this Law shall be read together and construed as one Law.

Law 14, 1868 ;
Law 1, 1871 ;
Law 36, 1874 ;
and this Law to
be read together
as one Law.

39. This Law shall come into operation upon such date after the promulgation thereof in the *Natal Government Gazette*, after the passing thereof, as shall be fixed by proclamation of His Excellency the Governor.

Commencement of Law.

Given at Government House, Natal, this 12th day of November, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 25, 1888.

(Signed) A. E. HAVELOCK.

To amend Law No. 27, 1887, entitled Law "To regulate and define the punishment for the crimes of Rape and Assault with intent to commit Rape, and of Indecent Assault."

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The sixth section of Law No. 27, 1887, shall be repealed, and in lieu thereof the following section shall be substituted, that is to say :—

Repeal of Sec. 6 of Law 27, 1887.

"Such Registrar shall with all convenient speed lay the same before one of the Judges of the Supreme Court, who shall be empowered and required to revise the whole of such proceedings, to call for further explanation upon any point, to direct the proceedings to be brought before the Supreme Court, or to set aside, reduce, vary, or confirm the sentence and punishment awarded as to the said Judge may appear consistent with proper procedure, and real and

Section substituted therefor.

Rape and Indecent Assault.—Post Office.—Criminal Cases.

substantial justice, and every order or direction in connection therewith shall be endorsed by the Judge upon or appended to the proceedings, and shall be entered by the Magistrate's Clerk in the criminal record book and become the judgment of the said Magistrate's Court : Provided that no order or direction of the Judge shall prevent an appeal to the Supreme Court either upon the action of the Judge or the proceedings before the Magistrate."

Given at Government House, Natal, this 12th day of November, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.
Colonial Secretary.

LAW No. 26, 1888.

(Signed) A. E. HAVELOCK.

To amend the Post Office Law, 1884.

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Repeal of provision that newspapers must be printed on unstitched sheets. Vide Law 23, 1884, Sec. 8. But repeal not to extend to newspaper supplements.

1. So much of Section 8 of the "Post Office Law, 1884," as required that a publication in order to be a newspaper for the purposes of that Law shall be printed on a sheet, or sheets, unstitched, shall be repealed ; but such repeal shall not extend to a supplement to a newspaper.

Given at Government House, Natal, this 12th day of November, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 27, 1888.

(Signed) A. E. HAVELOCK.

To amend Ordinance No. 18, 1845, entitled "Ordinance for regulating the manner of proceeding in Criminal Cases in the District of Natal."

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The list of persons confined in the several gaols of Natal, required by the provisions of the 64th Section of Ordinance No. 18

Vide Ord. 18, 1845, Sec. 64.

Criminal Cases.—Durban Consolidated Stock.

of 1845 to be delivered to the Court at the criminal session thereof, shall, so far as regards the central gaols of Pietermaritzburg and Durban, be deemed to be a list of such persons confined in those gaols respectively as are then awaiting trial or not then committed for trial, and of the prisoners discharged from each such gaol during the preceding month.

Lists of prisoners in central gaols Pietermaritzburg and Durban restricted to lists of persons not yet tried, or discharged during previous month.

Given at Government House, Natal, this 12th day of November, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 28, 1888.

(Signed) A. E. HAVELOCK.

For making Further Provision for the year 1887.

LAW No. 29, 1888.

(Signed) A. E. HAVELOCK.

To provide for the creation of Borough of Durban Consolidated Stock.

WHEREAS it is expedient to provide for the creation of Borough of Durban Consolidated Stock, and to increase the borrowing powers of the Town Council :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The short title of this Law shall be the "Durban Consolidated Stock Law, 1888."

Short title.

2. The Town Council of Durban shall have, and may exercise for the purposes of this Law, the following powers or authorities, or any of them :—

Powers granted to the Town Council of Durban.

- (a) They may from time to time declare by resolution all or any of the Borough of Durban Loans, whether existing in the form of Stock or Debentures or other securities, to be convertible, with the consent of the holders of such stock, debentures, or other securities, into Consolidated Stock, with such interest not exceeding five per centum per annum, and upon such conditions as may from time to time be determined on.

(a) To declare loans convertible into Consolidated Stock.

Rate of interest.

Durban Consolidated Stock.

(b) To create Consolidated Stock for redemption of outstanding securities for loans.

(c) To create Consolidated Stock in exchange for securities held for loans, and for paying expenses.

(b) They may create and sell any such Consolidated Stock for the purpose of raising money for redeeming any such outstanding securities held for such loans as may be necessary.

(c) They may create and issue such an amount of Consolidated Stock in exchange for the securities held for such loans as may be necessary, and for paying any expenses in the creation of Consolidated Stock and otherwise carrying out the provisions of this Law on such conditions as may be determined.

How conversion may be effected.

3. Any such conversion may be effected either by arrangement with the holders of existing securities, or by purchase thereof out of moneys raised by a sale of new Consolidated Stock, or partly in one way and partly in the other.

Exercise of authority by Town Council.

4. Any powers by this Law conferred on the Town Council may be exercised from time to time, and they may alter any conditions as often as occasion may require, but so that no contract or engagement entered into before the exercise of any such power or the making of any such alterations shall be prejudiced or affected thereby.

Increase of capital or of annual charge of any loan in certain cases.

5. Nothing in this Law contained shall authorise an increase of the capital or of the annual charge of any Loan, except that where any such Securities exchanged for new Consolidated Stock bear a higher rate of interest than the new Consolidated Stock an additional amount of new Consolidated Stock may be created and issued to make up the difference in saleable value between the aforesaid Securities and the new Consolidated Stock.

Converted loans, interest and expenses charged upon the rents, rates, and general revenue of the Borough.

6. All existing Loans converted under the provisions of this Law into such Consolidated Stock and interest thereon, and all charges and expenses incurred in carrying out the provisions of this Law or any agreements made in pursuance thereof, shall be chargeable upon and payable out of the Rents, Rates, and General Revenue of the Borough.

Principal money payable within 50 years.

7. All moneys raised upon the Security of such Consolidated Stock, and all Consolidated Stock into which other Borough Loans may be converted, shall be payable within fifty years from the date of borrowing or the date of conversion as the case may be.

Special rate leviable in case of failure to pay interest.

8. In case the Interest payable on any such Consolidated Stock shall be in arrear and unpaid for thirty days after the time appointed for the payment thereof, and after demand made, it shall be lawful for the Supreme Court of the Colony of Natal, as often as such default shall occur, at the instance of any person whose Interest shall be in arrear, to cause a special rate to be levied upon the real or immovable property situate within the Borough which is now or may hereafter be liable to be rated for Municipal purposes under Law 19 of 1872, to the intent that all arrear Interest may be paid out of the proceeds of such special rate.

Vide Law 19, 1872.

Durban Consolidated Stock.

9. In case the principal money payable in respect of such Consolidated Stock shall not be repaid upon demand at or after the day fixed for the payment thereof, it shall be lawful for the said Supreme Court, as often as such default shall occur, and at the instance of any person whose claim shall be unsatisfied, to cause a sale or sales to be made of so much of the Town Lands of the Borough as may be necessary for the purpose of raising and paying such principal money, and in case the proceeds of such land sales shall be insufficient to pay and satisfy all moneys due and payable then the deficiency shall be made good by a special rate or special rates to be levied in the manner hereinbefore provided with respect to the payment of arrear Interest.

Sale of Town Lands and levy of special rate in case of failure in payment of principal.

10. Such Consolidated Stock shall be issued by crediting the purchaser or in cases of conversions the allottee for such sum thereof as he shall purchase or be entitled to in a register to be kept in duplicate for that purpose by the Treasurer of the Borough in the Town of Durban and by the agents of the Town Council in London.

Consolidated Stock, how issued.

11. Such Consolidated Stock shall be transferable by transfer registered by the Agents of the Town Council in London or by the said Treasurer in Durban, and every person who shall be so credited as aforesaid in the said register in the first instance or to whom any transfer shall thereafter have been made shall be entitled to require and demand of the said Agents or Treasurer, and the said Agents or Treasurer shall in each case issue, a receipt or certificate stating the amount of Consolidated Stock standing to the credit of said person in said register.

Transfer of Consolidated Stock.

12. In all cases of transfer of Consolidated Stock, the transferor's receipt or certificate relating to stock to be transferred shall be given up to the Agents or Treasurer, and in case the stock to be transferred is less in value than the stock represented by the receipt or certificate, a new receipt or certificate shall be issued to the transferor for the balance of stock not to be transferred.

Delivery up of receipt or certificate upon transfer of stock.

13. The interest on Consolidated Stock shall be payable half-yearly, on the 30th day of June and the 31st day of December, or as soon thereafter as demand shall be made therefor by the lawful holder of such stock, to such lawful holder, or his duly authorised attorney, and such payment shall be made at the Town Office in Durban, or at the Bank or place of business of the London Agents of the Town Council, or such other place as may be provided for in the receipt or certificate representing such Consolidated Stock.

Payment of interest.

14. The Town Council may from time to time enter into such agreements with their Agents in London as to the Town Council may seem fit to provide for all or any of the following things:—

Town Council may enter into certain agreements with their agents in London.

- (1) For the registration of the Consolidated Stock in London and Durban.
- (2) For managing the creation, registration, and issue of Consolidated Stock.

Durban Consolidated Stock.

- (3) For effecting the conversion of Loans into Consolidated Stock and managing transfers thereof.
- (4) For paying interest on Consolidated Stock.
- (5) For issuing Consolidated Stock certificates to Bearers and, as often as occasion shall require, re-issuing or re-registering Consolidated Stock, and re-issuing Consolidated Stock Certificates.
- (6) Generally for conducting all business connected with Stock or Loans.
- (7) And for the remuneration of such Agents in respect of such agreements.

Cancellation of
existing securi-
ties.
Vide Schedule.

Release of
Sinking Funds.

Town Council
may appoint
trustees.

Released Sinking
Funds to be paid
into the Borough
Fund.

Savings.

Authorisation of
loan of £38,000,
Consolidated
Stock.

Application of
loan.

15. The debentures or other form of Securities issued under any of the Laws enumerated in the Schedule to this Law annexed, and exchanged or otherwise converted into new Consolidated Stock under this Law, shall be forthwith cancelled, and the persons who now are, or hereafter shall be, Trustees of Sinking Funds created in terms of any of said Laws shall determine what amount of the Sinking Fund held by them and created for the repayments of such debentures or other form of securities shall be released, and in the determination of such question the Trustees shall take into consideration the value of the whole investment held by them on account of such Sinking Funds, the amount of debt remaining due, and such other matters as the Trustees may think fit to take into account: Provided, that the Town Council of Durban may appoint Trustees for the purposes of determining on the release of Sinking Funds invested under the said Laws.

16. So much of the Sinking Funds accumulated under any of the Laws in the Schedule to this Law mentioned as may be set free by conversion into or exchange for new Consolidated Stock, or by purchase of any debentures, or other form of Securities issued under said Laws with new Consolidated Stock under this Law, shall be converted into money and paid into the Borough Fund for the general purposes of the Borough.

17. Nothing in this Law and nothing done under the provisions of this Law, except by agreement, shall take away, abridge, or prejudicially affect any right or interest by way of priority or otherwise of any person in or to the rates, rents, or general revenues of the Borough, or in any Sinking Fund, or any remedy which any person would have had or might have exercised in respect of any such right or interest in case this Law had not been passed, or any right which the Town Council may have to pay off any portion of its debt.

18. The Town Council of Durban are authorised to borrow and to issue new Consolidated Stock under this Law for Twenty-five Thousand Pounds Sterling (£25,000), to be used in paying for certain Public Works and Improvements, and for Thirty Thousand Pounds Sterling (£30,000), to be used in acquiring from the War Department and improving certain Lands, in extent about two hundred and eighty-five (285) acres, situate within the Borough.

Durban Consolidated Stock.—Stock or Share Brokers.

SCHEDULE.

Schedule.

No. or Date of Law.	Amount of Loan.	Name of Securities.
12th Dec., 1866.	£50,000 due 1906.	Durban Loan Securities.
No. 18 ... 1880.	£25,000 due 1895-1900.	Durban Toll Debentures.
No. 3 ... 1883.	£110,000 due 1933.	Durban Corporation. Stock.
No. 33 ... 1884.	£50,000 due 1937.	Durban Corporation. Stock.

Given at Government House, Natal, this 12th day of
November, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 30, 1888.

(Signed) A. E. HAVELOCK.

To amend Law No. 14 of 1878, and Law No. 18 of 1882.

Repealed by Law 14, 1889.

LAW No. 31, 1888.

(Signed) A. E. HAVELOCK.

*To provide for the Licensing of Persons to be Stock or Share
Brokers.*

WHEREAS it is expedient to provide that none but fit and proper
persons shall be permitted to carry on the occupation or business of
Stock or Share Brokers within this Colony :

Preamble.

Be it enacted by the Governor of Natal, with the advice and
consent of the Legislative Council thereof, as follows :—

1. It shall not be lawful for any person to carry on the occupation
or business of a stock or share broker, or to be engaged in the occu-
pation or business of negotiating, transacting or conducting for

Stock and share
brokers' licenses.

Stock or Share Brokers.

reward any sale or purchase or other dealing in Government or other stocks, in scrip or shares, whether issued or not, in any joint stock or other company, association or body, or in any marketable or negotiable security whatsoever, without having first obtained a license in that behalf from the Treasurer of the Colony in the Form A in the Schedule to this Law annexed, which license shall be covered by a stamp or stamps of the value of £10.

Vide Schedule A.

Certificate of fitness.

Vide Schedule B.

Broker not to carry on business through any agent other than a licensed broker.

Disqualifications for certificate.

Penalty for unlicensed broking.

Prosecution.

Lists of brokers to be kept at Treasury and offices of Resident Magistrates.

Publication in Gazette.

Causes for which a broker may be disqualified and his license cancelled.

2. No such license as in the last section mentioned shall be issued to any person who shall not, when applying for such license to the Treasurer of the Colony, produce and lodge with the Treasurer of the Colony a certificate of fitness in the Form B, in the said Schedule, under the hand of the Resident Magistrate of the Division, or the official performing the functions of Resident Magistrate in any division wherein the applicant may reside : Provided that no licensed stock or share broker shall carry on his occupation or business at any place by or through any agent other than a licensed share or stock broker.

3. It shall not be lawful for such Resident Magistrate to grant such certificate to any person not of full age, or to an uncertificated insolvent, or, without leave of the Supreme Court, to any person disqualified in accordance with the provisions of the fifth or ninth sections of this Law.

4. If any person shall, in any transaction whatever, act, or attempt to act, as a stock or share broker as aforesaid, or employ any other person so to act for or under him, without having been duly licensed as aforesaid, every such person, and every person so acting for or under him, shall be liable to a penalty of not less than £10, or more than £50, which shall be recoverable in the Court of the Resident Magistrate of the division where any such person resides, or where he may have acted or attempted to act.

5. A list containing the names and addresses of all stock or share brokers in this Law referred to, who shall from time to time have been licensed as such, shall be kept at the Treasury, and published quarterly in the *Gazette*, and a further list of such stock or share brokers as may be carrying on business in any division shall be kept at the office of the Resident Magistrate of that division, or in the office of the official performing the duties of Resident Magistrate in any division in this Colony, and if any such stock or share broker shall be convicted in any criminal court of, or of being accessory to the crimes of theft, fraud, perjury, or forgery, or any crime of greater or equal magnitude, or if the Supreme Court, or any judge thereof, or any Circuit Court, shall in any action, suit, or other proceeding prosecuted or defended before such court or judge, and to which such stock or share broker shall be a party, or in which his conduct or mode of dealing shall be called in question, certify (as such court or judge is hereby empowered to do) to the Treasurer of the Colony that such stock or share broker has been convicted of such crime, or has been guilty of any fraudulent or dishonest dealing shown in evidence in such action, suit, or other proceeding as aforesaid, and that he ought to be disqualified from acting as a stock or share broker

Stock or Share Brokers.

altogether, or for such period as shall be mentioned in such certificate, then such stock or share broker shall accordingly be disqualified, his license shall be deemed to be cancelled, and his name shall thereupon be removed from the list of licensed stock or share brokers either absolutely or for the time mentioned in such certificate: Provided always, that the said stock or share broker may apply to the Supreme Court, under circumstances which the said court may deem special, for leave to take out a license and carry on business as a stock or share broker, notwithstanding such certificate as aforesaid.

Proviso.

6. In order that the lists at the Treasury and the offices of the Resident Magistrates provided for by this Law shall be duly kept, it shall be the duty of every stock and share broker as aforesaid, before he shall commence or carry on business at any place under such license as aforesaid, to publish a notice to that effect in the *Gazette*, and to give notice in writing to the Treasurer and to the Resident Magistrate of the division wherein he may desire to carry on his occupation or business, of his intention so to do, and his place or places of business, and he shall also give like immediate notice of his intention to cease to carry on his said occupation or business at such place as aforesaid, and in case of his opening a new place of business in another division the same provisions shall apply. Any person contravening the provisions of this section, shall, upon conviction before the Resident Magistrate of the division be liable to a penalty not exceeding £10.

Broker to give notice to Treasurer and to Resident Magistrate of intention to practice, and to publish in Gazette.

Penalty for contravention.

7. Nothing in this Law contained shall be construed to relieve any stock or share broker from the payment of any license or other fee or duty now by law payable by brokers, or in any way to alter the law relating to stamps, licenses, or duties.

Other license duties payable by law not affected by this Law.

8. All stock or share brokers' licenses shall be annual, and shall expire on the 31st December in the year during which they are taken out: Provided, however, that for and in respect of any such license, which shall be taken out upon or after the 1st day of July, there shall be payable only one-half of the appointed sum, but if such license be taken out at any time before the 1st July, then there shall be no deduction.

Duration of license.

Deduction from duty on license taken out after 1st July.

9. Any stock or share broker, licensed under the provisions of this Law, who shall complete any executory or executed contract of sale and purchase of any Government or other stocks, or of any scrip or shares, whether issued or not, in any joint stock or other company, association or body, or of any marketable or negotiable security whatsoever, without forthwith preparing and delivering to, or holding for the purchaser and seller, bought and sold notes, setting forth the true names and residences of the purchasers and sellers of such stocks, scrip, or shares, provided, that in the case of such purchaser or seller residing outside the Colony, the true name of the broker employed by such purchaser or seller shall suffice, duly stamped according to law, and any such broker as aforesaid who shall personally and for his own account, or for account of any firm or partnership wherein he shall have an interest, either buy or sell, save through another duly licensed stock or share broker not interested in

Contraventions.

Omission of brokers' notes.

Private purchases not made through a broker.

Stock and Share Brokers.

the transaction, any such stock, scrip, share, or security as aforesaid, or shall fail to fulfil any of the conditions above mentioned, shall be guilty of an offence and shall be liable upon conviction to a fine of not more than £20, recoverable in the court of the Resident Magistrate of the division wherein the offence was committed, and the said Resident Magistrate shall be authorised, and is hereby bound and required, upon the conviction of any such offender against whom one or more previous convictions under this section shall be duly proved, to prepare a certificate setting forth all such convictions including the conviction upon the charge then before him, and that the offender ought to be disqualified from acting as a stock or share broker for such period as shall be mentioned in such certificate, not exceeding three months, and to forward such certificate forthwith to the Treasurer of the Colony, who shall thereupon cause the name of such offender to be removed during such period from the list of licensed stock and share brokers: Provided, however, that the person named in any such certificate may apply to the Supreme Court, by motion, on notice to the Treasurer of the Colony, for relief against the operation of such certificate, and if he shall satisfy the Supreme Court that on account of special circumstances he should be relieved, it shall be competent for the said court to order either that the name of such person shall not be removed from or if removed shall be restored to the said list, or that the period during which his name shall be removed from the said list shall be reduced, and in any case the said court may order that the period during which his name shall be removed from the said list shall commence from a date to be fixed by the said court: Provided further, that the stamp upon every Broker's Note as aforesaid shall be of the value of One Penny Sterling.

Penalty.

Certificate of disqualification.

Relief may be granted by Supreme Court.

Stamp upon broker's note.

Commencement and short title of Law.

10. This Law shall come into force on the First day of January, 1889, and may be cited for all purposes as the "Stock or Share Brokers' Admission Law, 1888."

SCHEDULE.

A.

STOCK AND SHARE BROKER'S LICENSE AT £

.....Division.

I, the undersigned hereby grant License to.....
 of.....
 to carry on the business of a Stock or Share Broker at.....
for the period, from the.....
 day of....., 18....., to the 31st day of
 December, 18....., he,....., having paid
 the sum of.....for this License.

Dated at the.....Office at.....
 in the Colony of Natal, this.....day of.....
 18.....,

.....
 Treasurer of Natal,

Stock and Share Brokers.—License and Stamp Law.

B.

CERTIFICATE OF FITNESS.

I,
 Resident Magistrate of
 do hereby certify that no reason has been shown to me why

 whose place of business is situated at..
 should not receive a License as a Stock or Share Broker.

.....
 Resident Magistrate.

Office of Resident Magistrate,
, 18.....

Given at Government House, Natal, this 12th day of
 November, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN.
 Colonial Secretary.

LAW No. 32, 1888.

(Signed) A. E. HAVELOCK.

For making further provision for the Service of the Year 1888.

LAW No: 33, 1888.

(Signed) A. E. HAVELOCK.

To Repeal, as regards certain fees, the "License and Stamp Law, 1885," and the Law No. 20, 1885, entitled Law "To amend the License and Stamp Law, 1885."

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The "License and Stamp Law, 1885," in so far as regards the charges imposed under the following items of Schedule A thereof, that is to say :—

For each wagon for one year	... £3	0	0
Ditto for six months	... 2	0	0
Ditto for three months	... 1	0	0
For each cart for one year	... 1	10	0
Ditto for six months	... 1	0	0
• Ditto for three months	... 0	10	0

oo

Repeal of certain portions of "License and Stamp Law, 1885," imposing licenses on wagons and carts.

License and Stamp Law.—Mining.

Repeal of Sub-section (e), Section 6, Law No. 20, 1885.

Owners of wagons and carts exempted from taking out licenses under "License and Stamp Law, 1885," and Law No. 20, 1885.

Repeal of portion of "License and Stamp Law, 1885," requiring persons engaged in trades, &c., in boroughs and townships to take out licenses.

Savings.

and Sub-section (e) of Section 6 of Law No. 20, 1885, shall be and the same are, hereby repealed.

2. The owners of Wagons and Carts shall be exempted from any obligation to take out the licenses for Wagons and Carts required under the provisions of the said "License and Stamp Law, 1885," and the Law No. 20, 1885.

3. So much of the "License and Stamp Law, 1885," as requires licenses to be taken out by persons engaged in, or exercising, within any Borough established under the provisions of Law No. 19, 1872, or within any Township established under the provisions of Law No. 11, 1881, any trades, businesses, or other matters in respect of the exercise whereof any licenses shall be lawfully imposed by the Corporation or Town Board of any such Borough or Township, respectively, at the time of the promulgation of this Law, after the passing thereof, shall be, and the same is, hereby repealed: Provided, that nothing in this Law contained shall apply to, or in respect of, licenses required by the said "License and Stamp Law, 1885," or the Law No. 20, 1885, to be taken out by Wholesale or Retail Wine and Spirit Dealers.

4. This Law shall commence and take effect from and after the First day of January, 1889, after having been published in the *Natal Government Gazette*.

Given at Government House, Natal, this 7th day of December, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 34, 1888.

(Signed) A. E. HAVELOCK.

To Consolidate the Law as to Mining.

Preamble.

WHEREAS it is desirable to repeal the Law No. 17, 1887, entitled Law "To Consolidate the Law as to Mining," and to re-enact the same with certain amendments:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

I.—TITLE.

Short title.

1. The short title of this Law shall be "The Natal Mines Law, 1888."

Mining.

2. From and after the commencement of this Law the Law No. 17, 1887, entitled Law "To Consolidate the Law as to Mining," shall be, and the same is hereby repealed, but such repeal shall not affect : Repeal of Law 17, 1887.

- (a) The past operation of the said Law No. 17, 1887, or of the Law No. 23 of 1883, entitled Law "To encourage the search for minerals and precious stones within the Colony of Natal," or of the Law No. 26 of 1885, entitled Law "To encourage the search for gold and other minerals," the said Laws No. 23 of 1883 and No. 26 of 1885 having been repealed by the said Law No. 17 of 1887, and still remaining repealed. Savings.
- (b) Anything lawfully done under or validated by either of the said Laws mentioned in sub-paragraph a.
- (c) Any right, title, interest, or privilege, acquired or any liability incurred under either of the said Laws mentioned in sub-paragraph a, or any regulations made thereunder.
- (d) Any penalty, forfeiture, or other punishment incurred in respect of any offence against either of the said Laws mentioned in sub-paragraph a, or any other regulations made under either of them.
- (e) Any suit or other proceeding depending in any Court, or before any Resident Magistrate or other person.

And, notwithstanding the said repeal, all proclamations, appointments, orders, and rules or regulations, made under the said Laws, or either of them, and in force at the time of the commencement of this Law, shall continue and be in force, until new proclamations, appointments, orders, rules, and regulations, shall be made under the provisions of this Law, for the purpose of continuing and perfecting any matter or thing commenced or in progress thereunder, as if this Law had not been passed.

3. In the construction, and for the purposes of this Law, the following terms in inverted commas shall have the respective meanings hereby assigned to them, unless there be anything in the subject matter or context repugnant to such construction :— Interpretation.

- "Crown Lands" : All unalienated lands of the Colony not dedicated to any public purpose.
- "Owner" : The registered proprietor of any land held under freehold, quitrent, leasehold, or any other tenure, the Natal Native Trust, the Land and Immigration Board, and any trustees in whom the legal estate in any land is vested.
- "Public Field," or "Mining Centre ;" The proclaimed area thrown open by lawful authority for digging and mining.
- "Claim" : That portion of a public field on which any person has obtained a license to dig, and which has been lawfully taken up and occupied under and by virtue of the provisions of this Law.

Mining.

- "Prospecting area": A rectangular four-sided area, no side of which shall exceed six hundred yards in length.
- "Prospector's claims" and "digger's claims": An extent of land 150 feet by 150 feet in alluvial, and 150 feet by 400 feet in quartz reef diggings.
- "Mining purposes": The purpose of searching for or obtaining gold or minerals by any mode or method of mining.
- "Person" shall include incorporated companies, and any syndicate or partnership the several members of which shall have registered their names with the Commissioner of Mines.
- "Houses" shall include native butts and any erections used as habitations and dwelling-houses.
- "Native" shall mean a Native as defined by Law No. 14, 1888.

II.—RIGHTS OF CROWN.

Rights vested in the Crown.

4. The right of mining for and disposing of all gold, precious stones and precious metals, and all other minerals in the Colony of Natal, is vested in the Crown for the purposes and subject to the provisions of this Law.

III.—CROWN LANDS.

Prospectors' licenses.

5. It shall be lawful for the Commissioner of Mines or the Resident Magistrate of any division, or for any other officer appointed for that purpose, to issue a prospector's license to any person authorising him to prospect, search, and dig or mine for gold, or precious stones or metals, or other minerals, or any or all thereof, on any Crown Lands within the Colony. Such license may be granted to any person applying for the same upon payment in advance of a sum of Ten Shillings for every six months for which the same is to be in force, and no one shall be allowed to prospect or search for gold or precious stones, or metals, or other minerals on Crown Lands without obtaining such license: Provided, however, that such license shall be subject to such regulations and conditions as may from time to time be fixed under the provisions of this Law.

Prospecting area.

6. Any person being the holder of a prospecting license may beacon off for himself a prospecting area, which area he may hold (subject, however, to all such regulations as may from time to time be in force) until the expiration of the period for which the license was granted or may have been renewed: Provided, however, that no prospecting area shall be beaconed off on any public field within a distance of eight hundred and eighty yards, though prospecting operations may be carried on within such distance, from any known portion of any discovered reef. No person shall at any time occupy more than one prospecting area.

Declaration of finding of gold or precious stones.

7. It shall be the duty of any person who shall turn, or attempt to turn, to marketable account any discovery which he may make of gold or precious stones whilst prospecting under such license to

Mining.

make a declaration of the finding of the same, and to lodge such declaration with the Resident Magistrate of the division, or the Supervisor of the division or locality in which any such find shall have been made, within thirty days of the finding of such gold or precious stones, and any person who shall fail to do so shall be liable, upon conviction thereof before any Resident Magistrate, to forfeit his license and to pay a fine not exceeding Fifty Pounds Sterling ; and in default of payment to be imprisoned, with or without hard labour, for any period not exceeding six months.

IV.—DIGGERS' LICENSES.

8. Any holder of a prospecting license under the provisions of this Law who shall prove to the satisfaction of the Commissioner of Mines, or of any officer or person deputed by him for that purpose, that he has found any gold or precious stones under such license, shall be entitled to select four claims at the place where such gold or precious stones shall have been found, and shall receive a certificate from the Commissioner of Mines that he is so entitled. Such claims shall be marked off and registered as prospector's claims : Provided, however, that in no case shall such a discoverer be entitled to select such claims or receive any such certificate should his discovery be situated within a distance of three miles of any previous discovery for which a certificate has been applied for or granted. The holder of any such certificate, being the original prospector to whom such certificate was granted, shall, whether the claims be included in a public field or not, have the right to work, dig, or mine for gold or precious stones therein without being required to take out or keep up any prospectors' or digger's license for such length of time as he may remain the owner of such claims, provided that he works such claims to the satisfaction of the Commissioner of Mines. Each of such claims shall be of the size fixed and determined under this Law as the size of a digger's claim.

Prospectors' claims.

9. It shall be lawful for the Commissioner of Mines or any officer or person deputed by him for that purpose, when satisfied as to the existence of gold in payable quantity on any prospecting area as defined in the foregoing Section Six on any public field, to call upon the owner of such prospecting area to relinquish his prospecting right over such prospecting area, and to take out a digger's license as hereinafter prescribed. Such owner shall be entitled to mark off his diggers' claims upon the site of his prospecting area, and shall be empowered to mark off diggers' claims, not being more than twelve in number, exclusive of his own or prospector's claims.

When gold discovered in payable quantity owner of prospecting area may be required to take out diggers' license and mark off diggers' claims in lieu of prospecting area.

10. The question as to whether gold in payable quantity has been discovered on any prospecting area shall be determined after due inspection of such area by the Commissioner of Mines or by any officer or person deputed by him for that purpose, and the determination so arrived at shall, for that occasion, be final and conclusive, and not subject to any kind of appeal.

Question as to payable gold to be determined after inspection by Commissioner of Mines or other officer.

*Mining.***False declaration.**

11. Any person who shall make such declaration as aforesaid whilst prospecting or otherwise, well knowing that the gold or precious stones declared to have been found were by himself or by some other person placed or deposited in or on the spot, or in the soil or stuff dug out or removed from the spot in which such declarant was prospecting, or where the discovery of such gold or precious stones is declared as aforesaid to have been made, and were not naturally situated in or on the spot, or in the soil or stuff where they were declared to have been found or discovered, or well knowing that the said precious stones or minerals were not found or discovered in or on the place where they were declared to have been found or discovered, shall upon conviction be liable to such punishment as is by law provided for the crime of perjury.

Fraudulent acts.

12. Any person who shall wilfully place or deposit, or be accessory to the wilfully placing or depositing of any gold or precious stones in any spot or place for the purpose of inducing any person to make such sworn declaration as aforesaid, or for the purpose of misleading the Governor as to the payable nature of the spot or place where gold or precious stones have been declared to have been found, and previous to such spot being proclaimed an alluvial digging or mine, or being let out on a lease as hereinafter provided, shall be guilty of the crime of contravening the provisions of this Law, and shall, upon conviction thereof, suffer such punishment as shall be by law provided for the crime of fraud.

V.—PUBLIC FIELDS OR MINING CENTRES.**Proclamation of mining centre or public field.**

13. It shall be lawful for the Governor, with the advice of his Executive Council, from time to time by proclamation, and when satisfied as to the existence of gold or precious stones in payable quantities, to constitute and appoint any portion of the Colony to be a mining centre, or public field, under this Law, to assign boundaries to such centre or field, to enlarge, contract, or otherwise alter such boundaries, and to declare by what local name, if any, every such mining centre or field shall be designated. Such mining centre or field may, under the provisions of this Law, comprise privately-owned lands as well as Crown Lands, as is hereinafter provided.

Diggers' licenses on public field.

14. It shall be lawful for the Commissioner of Mines, or for any Supervisor appointed for that purpose, to issue a digger's license to any person authorising him to dig for gold or precious stones on any land on any public field not previously occupied under the provisions of this Law, whether as prospecting claims or otherwise. Such license may be granted to any person applying for the same upon payment in advance of a sum at the rate of Ten Shillings for each month or portion of a month. Each license shall entitle the digger named therein to beacon off a claim on the public field named in the license, upon such conditions and in such manner as may be provided by this Law, or in regulations to be issued hereafter under the provisions of this Law.

Mining.

15. Any person shall have the right to take out two licenses on each public field, and to hold the same in his own name. He shall also be allowed to hold claims acquired by purchase from other claimholders.

Any person may take out two licenses.

Purchase of claims.

16. Diggers being holders of adjoining claims being not less than three nor more than sixteen in number who wish to amalgamate their claims can have the same registered as amalgamated claims on application at the office of the Supervisor or other officer appointed for the purpose. When so registered, the share of each digger shall be clearly defined, and the working of one or more of such claims so amalgamated shall be deemed a sufficient compliance with the provisions of the regulations as to the continuous working of claims. Each set of amalgamated claims shall be worked to the satisfaction of the Commissioner of Mines by at least one person of European race.

Amalgamation of claims.

17. Claims may be transferred from one licensed holder to another, subject to such regulations as may be in force, but no transfer of any claim shall be recognised until it has been duly registered by the Commissioner of Mines or other officer appointed for that purpose, such purchase price to be declared by the vendor or vendee, and such registration to take place on payment of a transfer fee of £1 per claim, and to be according to the form shown in Schedule D appended to this Law.

Transfer of claims.

18. A licensed digger who may have transferred his claims shall be at liberty to take out such new diggers' licenses as he may under the provisions of this Law be entitled to hold. For the purposes of this section an amalgamation shall be considered as a transfer.

A digger having transferred his claims may take out new licenses.

19. Resident Magistrates and their clerks, and all officers appointed by the Governor for the better carrying into effect of any of the provisions of this Law, shall in the respective divisions and counties for which they are appointed be incapable of acquiring, having, or holding any claims or any interest, either direct or indirect, in any mines or in mining for gold, precious stones, or metals, or other minerals.

Prohibition against certain officers engaging in mining matters.

VI.—CROWN LANDS RESERVED FOR PUBLIC PURPOSES.

20. All Crown Lands which shall have been, or hereafter shall be, reserved for any public use or purpose, shall be, and the same are, hereby exempted from the operation of this Law : Provided always, that it shall be lawful for the Governor, by proclamation, to authorise the prospecting over any such exempted lands, the mining and working for and removal therefrom of gold and other minerals, and the occupation thereof, either for mining purposes, or for machine, business, or residence sites, and to permit of the construction of races, dams, or reservoirs thereon, and of races, drives, or tunnels thereunder, subject to such conditions, restrictions, and regulations as he may think fit to impose : Provided further, that prospecting and digging in public squares, streets, roads, railways, cemeteries, and on other lands dedicated to the use of the public, are prohibited. The

Exemption of lands from operation of this Law.

But Governor may authorise mining, &c., thereon.

Lands dedicated to the public use.

*Mining.***Town lands.**

lands vested in any Municipal Corporation incorporated under the provisions of "The Municipal Corporations Law, 1872," shall be exempt from the operation of this Law. The lands vested in any township constituted under the Law No. 11 of 1881, shall be exempt from the operation of this Law; but any Local Board may, with the consent of the Governor, and by public competition, lease the privilege of digging and working any mines or minerals on any lands belonging to the township: And provided further, that the Governor may, subject to such conditions as he may consider it necessary to impose, authorise the owner of any piece of land which has been marked off as an outspan place to dig, search for, and remove all gold, silver, precious stones, and other minerals lying and being under such outspan place; and the Governor may sanction the exchange for any portion of said outspan place required for the purposes aforesaid of an equivalent extent of land contiguous to the said outspan place, and the said contiguous portion of land, when exchanged, shall be deemed in all respects as if the said land had formed part of the said original outspan place to all intents and purposes: And provided further, that it shall be lawful for the Governor in Council to deal with all commonages not hereinbefore mentioned, and with all other lands reserved for special purposes not hereinbefore mentioned, in the same manner as hereinbefore provided in case of outspan.

Commonages and lands reserved for special purposes.**Appointment and remuneration of officers.****VII.—APPOINTMENT OF OFFICERS.**

21. The Governor in Council shall have power to appoint all officers necessary to carry into effect the provisions of this Law, and to assign to each such officer such duties, and to pay him from and out of the general revenue of the Colony such remuneration by way of salary or otherwise, as the Governor in Council may think proper.

Crown Lands leases.**VIII.—MINING LEASES.**

22. It shall be lawful for the Governor to grant to any licensed person, who has prospected to the satisfaction of the Commissioner of Mines, and subject to the provisions of this Law, a lease of any unalienated Crown land, not occupied under the provisions hereof, for mining purposes, or for cutting and constructing thereon races, drains, dams, reservoirs, roads, or tramways to be used in connection with any such mining, or for erecting thereon any buildings or machinery to be used for mining purposes, for pumping or raising water from any land mined or intended to be mined upon, or for any or all of those purposes, and also for residence in connection with any of such purposes, for any term not exceeding twenty-one years, terminable on six months' notice by the lessee, and upon the terms and conditions prescribed by any regulations framed under the provisions of this Law, subject to the right of renewal from time to time at the option of the lessee.

To be known as "gold mining leases" and "mineral leases."

23. All such leases granted for the purpose of mining for gold, or for any of the purposes aforesaid connected with such mining, shall be called "gold mining leases," and all such leases granted for

Mining.

the purpose of mining for any metal or mineral other than gold, or for any of the purposes aforesaid connected with such last-mentioned mining, shall be called "mineral leases."

24. The lessee of any Crown Lands under a gold mining or mineral lease in force at the date of the taking effect of this Law, may, at his option, claim a cancellation of such lease and the issue of a new lease under the provisions of this Law in exchange for such cancelled lease.

Exchange of existing lease for lease under this Law.

IX.—PREROGATIVE RIGHTS OF THE QUEEN.

25. Nothing in this Law contained, except as expressly enacted, shall be deemed to abridge or control the prerogative rights and powers of Her Majesty in respect of gold mines and silver mines, and any other mines and minerals.

Reservation of rights of the Crown, except as expressly enacted.

X.—NATIVE TRUST LANDS.

26. It shall be lawful for the Natal Native Trust and for the trustees appointed or to be appointed hereafter by Her Majesty the Queen, her heirs and successors, and for trustees appointed or to be appointed by the Colonial Government who may at any time hold any lands in this Colony in trust for natives, to grant from time to time, or to refuse to grant, to any person applying for the same permission to search and dig for gold and precious stones, metals, and other minerals in and under any portion of the said Trust Lands.

Permission to search and dig for gold, &c., on Trust Lands.

27. The provisions of this Law, save as contained in the foregoing Section, and all Rules and Regulations framed under this Law in respect of Crown Lands, shall be applicable on any portion or portions of the Trust Lands aforesaid, on which such permission to prospect may have been granted.

Application of Law to Trust Lands.

XI.—IMMIGRATION LANDS.

28. It shall be lawful for the Land and Immigration Board to grant from time to time, or to refuse to grant, to any person applying for the same, permission to search and dig for gold and precious stones and other minerals in and under any portion of the lands vested in or under the control of the said Land and Immigration Board.

Permission to search and dig for gold, &c., on Immigration Lands.

29. The rules and regulations from time to time in force as to Crown Lands shall be applicable and extend to any portion or portions of the lands vested in or under the control of the Land and Immigration Board, and in reference to which permissions to prospect may have been granted as aforesaid.

Application of rules and regulations to Immigration Lands.

XII.—PRIVATE LANDS.

30. The Commissioner of Mines or other person appointed by the Governor for that purpose may, upon giving not less than seven days' notice to the registered proprietor, if resident within the Colony, or the occupier, if any, enter upon any lands upon which

Entry by Commissioner of Mines to prospect and bore for coal.

Mining.

he may deem it necessary to enter for the purpose of prospecting, and of probing or boring for the discovery of coal, and to do all acts necessary for the purposes of such prospecting, probing, or boring for the discovery of coal as aforesaid: Provided that any such notice shall not hold good for more than six months; and provided that compensation be made to the owner or occupier of any such lands for any damages thereby occasioned, the amount of such compensation to be decided by the Resident Magistrate of the county or division, due notice of the Magistrate's enquiry into the claim to be previously given to the Commissioner of Mines, or other person appointed as aforesaid, by the complainant; and upon the day fixed in any such notice, or upon any adjournment of the enquiry, the Magistrate may determine and decide upon the amount of compensation to be paid in respect of any such damages, and may award the amount of costs incidental to such enquiry, and determine by whom such costs shall be paid—such compensation and the costs, if so awarded against the Colonial Government, shall be a charge upon and be defrayed out of the General Revenue of the Colony.

Notice.**Compensation for damages.****Assessment.****Costs of enquiry.****Owner's rights in respect of coal.**

31. The owner of any land upon which coal has been or may be discovered may dig for, mine for, and dispose of such coal; and may grant one or more mineral leases to any person or persons for the purpose of mining for and disposal of coal found under such land.

Owner at liberty to prospect for gold, &c.

32. Any owner of land shall be at liberty to prospect for gold or other precious metals and minerals within the boundaries of his own land.

And to have undisturbed possession while prospecting.

33. Any owner of land prospecting as aforesaid shall be entitled to the undisturbed occupation of his land for such term as the prospecting thereon shall be carried on to the satisfaction of the Commissioner of Mines, or of any person deputed by him.

Conditions for satisfactory prospecting to be determined by Commissioner of Mines.

34. The Commissioner of Mines shall, in reference to any land so prospected as aforesaid, determine as to the number of workmen and the character of prospecting operations which shall be deemed by him to constitute a satisfactory prospecting of the land of any owner, and shall take into his consideration the extent of land and the indications of gold or other precious metals and minerals therein.

Exclusion of other prospectors

35. It shall not be competent for any prospector to obtain a license authorising him to prospect upon the land of any owner who is engaged in prospecting his land to the satisfaction of the Commissioner of Mines.

Owner may contract with others to prospect.

36. Any owner of land may enter into any contract with any person or persons to prospect his land for gold or precious stones, or other minerals, and upon such terms as to remuneration or otherwise as may be agreed upon.

Account to be taken of work being done.

37. The Commissioner of Mines shall, in determining whether the land of any owner is being prospected to his satisfaction, take into account not only the prospecting work being done by the owner and his servants, but also that being done by any person or persons prospecting under contract with the owner aforesaid.

Mining.

38. Any owner of land shall be at liberty to dig and mine for gold or other precious metals or minerals within the boundaries of his own land. Such digging and mining may be carried on by such owner and his servants, and by any persons to whom he may have granted permission to dig and mine for gold or other precious metals or minerals upon his land.

Owner's right to dig and mine for gold, &c.

39. In the event of any owner of land neglecting or refusing to prospect, or to allow others by his permission to prospect his land for gold or other precious metals or minerals to the satisfaction of the Commissioner of Mines, or of any person deputed by him, it shall be competent for any prospector or other person desiring to prospect the said land to apply to the Commissioner of Mines, or the person deputed by him, upon notice to such owner of land, for a prospecting license, which shall include the right to dig or mine.

When land not prospected as above, applications may be made to Commissioner of Mines for prospecting licenses.

40. The Commissioner of Mines or other person deputed by him shall thereupon determine whether to issue such license to prospect the land of such owner to any persons applying for the same, and in so determining shall have regard to the objections, if any, urged by the owner, and as to whether they are fair and reasonable and such as in the public interests should be upheld.

Who shall determine whether to issue licenses or not.

41. Such Commissioner of Mines or other officer shall, before giving a decision, ascertain and determine whether the locality of the land, the geological features thereof, or any other indications or facts, give reasonable grounds for belief that gold or precious metals or minerals are to be found in the land of any such owner.

Circumstances to be ascertained before deciding.

42. Such Commissioner of Mines or other officer may in his discretion refuse to issue any prospecting licenses for such land, or may declare that such land shall be thrown open to prospectors.

Discretionary power of Commissioner of Mines.

43. The Commissioner of Mines or other officer shall keep a record of all applications made to him for the issue of prospecting licenses for the land of any owner and of all proceedings thereupon. And any license so granted shall be subject, save as otherwise provided in this Law, to all provisions and regulations made in respect of licenses issued for prospecting on Crown Lands; and all persons to whom licenses are so issued shall keep accounts, showing, in detail, all gold, or precious stones, or minerals extracted from the land by them.

Record of applications.

Licenses subject to provisions respecting licenses for Crown Lands.

44. In any case in which the owner of land shall be dissatisfied with the decision of the Deputy, or other officer acting under this Law, it shall be incumbent on the Commissioner of Mines, on notice given him to that effect by the owner, to make a personal inspection of the land in dispute, so as to ratify or amend the decision of the Deputy or other officer as the case may be; and his decision shall then be final, except and in so far as an appeal is permitted to the Supreme Court in Section 45 of this Law.

If owner dissatisfied with decision of Deputy or other officer, Commissioner of Mines to inspect land and decide.

Vide Sec. 45.

45. The decision of such Commissioner of Mines or other officer shall be subject to review before the Supreme Court or any Circuit Court having jurisdiction at the instance of the owner of any land, but not at the instance of any person applying

Review of decision before Supreme or Circuit Court.

Mining.

Renewal of application upon fresh facts.

for a prospecting license. But nothing in this section shall prevent a further application for a prospecting license for any such land on fresh facts and on further evidence advanced and produced by any person.

Service of notice, vide Sec. 39.

46. The notice provided for in Section 39 shall be given to the owner of the land by writing, to be served upon him personally, or at his residence or place of business within the Colony, or, in the event of the owner's absence from the Colony, then upon the agent, if any, of such owner, and if there be no such agent, or he cannot be found, then by posting such notice on the land itself, and by publishing it twice in the *Natal Government Gazette*. The notice shall specify a date, not being less than thirty days from the service, posting, or first publication thereof, upon which the application will be made to the Commissioner of Mines. No such notice shall be given within a period of six months from the date of the taking effect of this Law.

No notice may be given within six months from commencement of Law.

Owner prospecting, &c., his land may not be proclaimed a public field.

47. The land of any owner who by himself or others prospects or digs and mines for gold or precious stones upon such land shall not be proclaimed as or included in the extent of land proclaimed as a public field, provided that the Commissioner of Mines or other person deputed by him for that purpose shall be satisfied that the owner is prospecting or digging and mining for gold or precious stones in a manner proportionate to the extent of land, and the quantity, quality, and character of gold or precious stones to be found thereon.

Otherwise land may be proclaimed by Governor, with advice of Executive Council.

48. In the event of the owner of any land refusing or neglecting to prospect for gold or precious stones or to dig or mine therefor within the boundaries of his own land to the satisfaction of the Commissioner of Mines or other person deputed by him for that purpose, the said land may be proclaimed as or included in the proclamation of a public field, or annexed to any public field already proclaimed or about to be proclaimed, and the consent of such owner shall not in any case be necessary or requisite: Provided always, that the land of any owner shall only be proclaimed by the Governor upon the advice of his Executive Council.

Licenses to prospect on private lands.

49. In any case in which the Commissioner of Mines or other person deputed by him shall, under the provisions of this Law, declare that the land of any owner shall be thrown open to prospectors, the Commissioner of Mines or any other officer authorised in that behalf shall issue to any person applying for the same a prospecting license specifying the land to be prospected, and such license shall be granted upon payment in advance of Five Shillings per month, of which sum one-half shall be accounted for and paid over to the owner of the land by the Commissioner of Mines or other officer issuing such license, at the end of each current quarter.

Owner to keep account of gold, &c., extracted by himself, or by others under agreement with him.

50. The owner of any land upon which gold or precious stones or minerals are being prospected for or mined or worked shall keep an account showing in detail all gold or precious stones or minerals extracted from the land by himself, servants, and all other persons pro-

Mining.

pecting, digging, and mining upon his land under agreement with or upon the account of such owner.

51. Such account shall be at all times open to the inspection of the Commissioner of Mines or other person deputed by him, and he may from time to time call for the production of returns verified by affidavit showing the gross output of gold or precious stones or minerals from any such land.

Accounts subject to inspection of Commissioner of Mines.

52. The Commissioner of Mines, or other person deputed by him, is hereby empowered to enter upon all private lands within the Colony in which he has any reason to believe that gold or precious stones or minerals may be found, or may be then prospected for, or upon which prospecting or mining is then being carried on, and to make any inspections of the land and of the work there being carried on.

Inspection of private lands where gold may be believed to be found or prospecting or mining carried on.

53. The rights conferred by a prospector's license shall not include the right of entering private property with draught cattle or entire horses or donkeys, and shall in no case confer any rights of grazing, or to wood.

Limitation of rights conferred by prospector's license.

54. The first discoverer (being a duly licensed prospector) of gold in payable quantity at a place on any land owned by any person, such place being distant at least three miles from any previous registered discovery, shall, upon proof of such discovery, be entitled to select a block of four claims, which may be marked off and registered as prospector's claims. This right shall belong to the discoverer, and he shall, whether the discovery be included in a public gold field or not, have the right to work, dig, and mine for gold thereon without being required to take out any digger's license for such length of time as he may remain owner of the said claims.

Discoverer's claims.

55. The holder of such four prospecting claims must, in the case of the land upon which they have been beaconed off not forming a portion of a public field, register his claims with the Commissioner of Mines, after which such holder shall have and enjoy the same rights and privileges over such claims as the ordinary digger upon a public field has and enjoys over his claims thereon.

Registration thereof.

56. The owner of any land which has been proclaimed a public field, or annexed to an already existing field, shall, after the prospector has beaconed off his prospector's and digger's claims, be entitled to beacon off certain claims, to be known as owner's claims according to the extent of the said land, to wit—one claim for each one hundred acres: Provided, however, that the number of owner's claims shall in no case be less than five, nor exceed fifteen in number, which must be worked in compliance with all the rules and regulations as to claims and the licenses requisite therefor. In all cases the prospector shall have first choice of site of claims, the owner shall then select and beacon off such claims as he may be entitled to, and thereafter the holders of diggers' licenses may beacon off claims in terms of the provisions of this Law and the regulations made thereunder. The owner shall be allowed a period of one month within which to mark off his owner's claims before the land be proclaimed a public field and be thrown open to the public. At the end of each

Owner's claims on land proclaimed a public field.

Precedence in choice of claims.

Mining.

One-half of
license fees
payable to
owner.

Exemption from
the Law of
buildings,
gardens, &c.

Water-rights.

Declaration of
finding of gold
or precious
stones.

Powers of
Commissioner
of Mines in
respect of—

(a) Roads, rail-
ways, and
tramways.

(b) Mining
operations.

quarter one-half of the amount received by the Resident Magistrate, Supervisor, or other officer empowered to receive the same as diggers' licenses for claims on the land of any person shall be paid over and accounted for to the owner of such land.

57. There shall be exempt from the operation of this Law all land upon which any house or buildings have been erected, and the land immediately adjacent thereto, as also all water furrows, gardens, orchards, or cultivated lands or plantations: Provided, however, that the owner of any such land so exempted as aforesaid may, in consideration of compensation, waive all claim to such exemptions. In all cases the water-rights of the owner of any land so proclaimed shall be reserved, so that he shall retain sufficient for his household, his stock, and for any water-mill already erected, and the irrigation of such gardens and land as were under cultivation at the time of the proclamation of such land as a public field. If any question shall arise as to the water-rights of the owner they shall be determined by the Commissioner of Mines or other person deputed by him.

58. It shall be the duty of any owner of land and of any person prospecting upon the land of any owner, if he shall find gold or precious stones whilst prospecting, which gold or precious stones he shall have turned, or have endeavoured to have turned into marketable account, to make a sworn declaration of the finding of the same, and to lodge such declaration with the Resident Magistrate of the Division or the Supervisor of the Division or locality in which any such find shall have been made, within thirty days of the finding of such gold or precious stones, and any person who shall fail to do so shall be liable upon conviction thereof before any Resident Magistrate to pay a fine not exceeding Fifty Pounds Sterling, and in default of payment to be imprisoned with or without hard labour for any period not exceeding six months.

59. The Commissioner of Mines shall have the power, and is hereby authorised, on the application of any person engaged in digging and mining for gold or other precious metals, coal, or other minerals—

(a) To enter upon and lay out a line of road upon Crown Lands or upon the land of any person; which road may be made and maintained and used upon such line and in such direction and with such fencing and for such period and by such persons as the Commissioner of Mines may determine. A railway or tramway may be laid down and constructed upon any such line of road, and be worked with locomotive engines or other motive power, or by agreement with the Natal Government Railways; and in the latter case the railway shall, for the purposes of this Law, be deemed to be part of the general railway system of the Colony.

(b) To enter upon Crown Lands or the lands owned by any person, and to authorise the construction thereon and

Mining.

therein of pits, shafts, levels, drives, tunnels, excavations, and to allow all and every kind of mining operation to be carried on.

- (c) To enter upon Crown Lands or the lands owned by any person, and to authorise the cutting, constructing, and using of drains thereon, and of water-races, dams, and reservoirs, and the taking or diverting water from any spring, pool, or stream situate in or flowing through such lands, and in order to use such water for mining purposes. (c) *Water.*
- (d) To exercise and authorise the exercise of any rights of the nature of easements in connection with mining operations upon or over unoccupied Crown Lands and lands owned by any person whomsoever. (d) *Easements.*

60. All expenses of making and maintaining any such road, of constructing any pit, shaft, level, drive, excavation, or other kind of mining operation, of constructing water-races, dams, and reservoirs, and of exercising any rights of the nature of easements in connection with mining operations, shall in each case be borne by the applicant.

Expenses to be borne by applicant.

61. The Commissioner of Mines shall only exercise the powers by Section 59 conferred upon him in such cases as he may consider it to be of advantage to the public interest that facilities and easements as aforesaid should be allowed to any person so engaged in mining.

Powers to be exercised only for public advantage.

62. If anything proposed to be done or done under the powers by Section 59 conferred shall be calculated to be, or shall be, prejudicial to the owner or occupier of any land, such owner or occupier shall be entitled to full compensation for any loss thereby sustained, or to be sustained by him in respect of such lands from the person or persons applying to the Commissioner of Mines, and doing or proposing to do such act. For the purposes of granting such compensation the provisions of the Lands Clauses Consolidation Act shall be and are hereby extended and made applicable to all claims for compensation; or, if the parties so elect, such compensation shall be fixed by agreement if the parties can agree, or failing such agreement by arbitration, or by the decision of the Resident Magistrate of the Division, who shall in such case have jurisdiction to assess and determine the amount of compensation. If a part only of any lands comprised in a lease for a term of years unexpired shall be required for the purposes of this Law by the owner of the land, or for admitting thereon of licensed prospectors, or under Section 59 of this Law, the rent payable in respect of the lands comprised in the lease, shall be apportioned between the lands so required and the residue of such lands. Such apportionment may be settled by agreement between the lessor and lessee, and if not so settled by agreement, then by the Resident Magistrate of the Division in which such lands are situated. And after such apportionment, the lessee shall be liable for so much only of the rent as shall be so apportioned in respect of the land so required; and all covenants,

Compensation for loss from acts under Sec. 59.

Claims brought within Law 16, 1872.

Other remedies.

Mining.

conditions, and agreements in such lease, except as to the amount of rent paid, shall remain in force in regard to that part of the lands not so required as aforesaid, in the same manner as if such part only of the lands had been included in the lease. Every such lessee shall be entitled to claim compensation for the damage done to him in his tenancy by reason of the severance of the land so required from that not so required, and otherwise by reason of mining and prospecting thereon.

Reservation of
owners' or
occupiers' rights.

63. In all cases in which the taking or diverting water from any spring, pool, or stream shall affect the water rights of any owner or occupier of land such owner or occupier shall be entitled to retain, and have reserved, and to use sufficient for his household requirements, his stock, the irrigation of such cultivated land or gardens as were under cultivation or ordinarily cultivated at the time of the taking and diversion aforesaid, and also for any water mill already erected. If any question shall arise as to the water rights of the owner they shall be determined by the Commissioner of Mines, or other person deputed by him.

XIII.—MISCELLANEOUS.

Royalties:

64. There shall be payable to the public revenue of the Colony of Natal through the Commissioner of Mines a royalty upon all gold and silver and precious stones found in and extracted from any land not being a proclaimed field in the Colony of Natal, to wit—

On gold a royalty of one shilling and sixpence per ounce.

On silver a royalty of one penny per ounce.

On diamonds a royalty of two and a half per centum upon the value thereof.

It shall be the duty of the owner of such land to render all such accounts as may be required by the Commissioner of Mines, and to pay such royalties at the end of the months of March, June, September, and December in each and every year.

Diggers'
Committees.

65. At every public field and in every district at or in which there shall be more than fifty registered claimholders or licenseholders, the persons so assembled shall upon an application made in writing to the Governor, and signed by not less than two-thirds of the whole number, and, upon such application being acceded to, be at liberty to elect a Diggers' Committee of not less than five or more than nine members, who shall hold their seats subject to such regulations as may be framed under this Law, whose duties shall consist in making By-laws for such public field or district, for the management and administration of mining centres or districts in respect of all local needs: Provided that such management or administration shall not injuriously affect the rights or interests of any person outside such centre or district, and such By-laws shall have effect upon their being approved of by the Governor and published in the *Government Gazette*,

Mining.

66. Save as hereinafter excepted, every registered claimholder or working prospector shall be eligible to be a member of a Diggers' Committee, and every claimholder or working prospector shall have one vote, and no more, in the election of members of such Committee.

Qualification to vote, and for election.

67. No claimholder or working prospector shall be eligible as a member of a Diggers' Committee or be a voter for members thereof whose estate shall be sequestrated as insolvent, and if after election any member shall cease to be a claimholder or working prospector, or shall become and be declared insolvent, his seat shall *ipso facto* become vacant. No claimholder or prospector shall be entitled to vote for or be elected as a member of a Diggers' Committee unless he is engaged in actual prospecting or digging upon such public field or in such district on his own account or for others.

Disqualification.

68. The lessees, not being fewer than ten in number, holding leases of lands adjoining each other or situated in close proximity to each other, shall, upon an application made in writing to the Governor, and signed by not less than six of the said lessees, and, upon such application being acceded to, be at liberty to elect a lessees' committee of not less than five or more than nine members, who shall hold their seats subject to such regulations as may be framed under this Law, whose duties shall consist in making By-laws for such leased lands, and such By-laws shall have effect upon their being approved of by the Governor and published in the *Government Gazette*.

Lessees' Committees

69. A tract of land once proclaimed a public field or annexed thereto as a portion thereof shall not be directed to be closed unless the white population thereon be reduced to less than one person for every forty acres. No such public field shall be closed until three years from the publication of a proclamation directing such closing, and the rights of remaining diggers shall in all such cases be considered, and further time if requisite be granted them for working their unexhausted claims, all in terms of regulations which may be framed.

Closing of public field.

70. The extent of a prospector's or digger's alluvial claim shall be 150 feet by 150 feet, and each claim shall be properly beacons off at the four corners with pegs not less than two inches in diameter, and standing not less than three feet above the ground. The number of the claim, the name of the owner, and the date of pegging off must be duly marked on each peg, such peg being marked with the cardinal point of bearing. The extent of a prospector's or digger's quartz reef claim shall be 150 feet along the reef and 400 feet across or on one side of the reef as may be desired. In respect to quartz reef claims two central pegs, one at either end of the claim, will be sufficient beacons for the first thirty days. After the expiration of that time, four corner pegs must be substituted and the direction must be indicated by clearly defined beacons. In the case of quartz reef blocks of amalgamated claims, four corner pegs shall be sufficient for each block, but the names of the respective claimholders in the block or of any trustee or trustees holding for them,

Extent and beaconing of alluvial claims.

And of quartz claims.

Amalgamated claims.

Mining.

or of any Company acquiring such claims, must be legibly marked on each peg, together with the date of amalgamation.

Abandonment
of claims.

71. Any digger on a public field desiring to abandon his claim or claims with the object of marking off a new claim or claims, shall be entitled so to do on withdrawing the pegs of the claims to be abandoned, posting a notice of the abandonment on the ground for at least seven days, and reporting the withdrawal and abandonment in writing to the Supervisor.

Stands for
dwellings.

72. Each licensed digger is entitled to a stand for his dwelling in addition to his claims for digging, but the site of his dwelling shall not be a spot known to contain gold or precious stones. Such digger shall, on receiving notice from the Supervisor or other officer appointed for the purpose, remove his dwelling within thirty days.

Stand licenses.

73. Every white person, not being a digger, who desires to erect on any public field a store or shop building or dwelling-house, or any other kind of erection, may obtain from the Supervisor, or other officer appointed for the purpose, one or more stand licenses. Each such license shall entitle the holder to beacon off a piece of ground in such locality as may be pointed out by the Supervisor, or other officer, as aforesaid, so as not to interfere with mining operations on any area known to contain gold or precious stones. Each stand license, whether monthly or yearly at the option of the applicant, must be renewed from time to time. The cost of the stand license, which shall be in addition to other licenses, and the extent of ground included in any stand license, shall be fixed from time to time by regulations issued under the provisions of this Law: Provided that it shall be lawful for the Governor in Council, at any time, to authorize the sale, by public auction, of stands on any public field. All licenses for stands or for wood cutting shall accrue to the owner of the property. The cost of licenses for wood cutting on Crown Lands included in any public field shall also be fixed from time to time by regulations issued under the provisions of this Law.

Licenses for
stands and wood-
cutting.

Natives in-
capable of holding
license, &c.

Exceptions.

74. No Native shall be entitled to hold any license, or otherwise than in the service of white men be in any capacity engaged in work on a public field: Provided that this prohibition shall not apply to any male native resident in the Colony who may be exempted from the operation of Native Law, or who may have procured the permission in writing of the Governor to hold any such license as aforesaid.

Penalty for
prospecting or
digging without
a license.

75. Any person or persons, other than those who may be working on land held under a gold mining or mineral lease, who shall prospect, search for, or dig for gold, or precious stones or metals without a license shall be liable to a fine of not less than Five Pounds Sterling nor more than Ten Pounds Sterling for each offence, and, on failure to pay the fine, to imprisonment, with or without hard labour, for any period not less than one nor more than three months. The onus of proof that he is duly licensed shall rest with the person accused. Each licensed prospector or digger shall exhibit his license whenever called upon so to do by any person, and

Mining.

any person refusing to exhibit his license shall be deemed to be digging without a license.

76. Any person guilty of illegally altering, shifting, or removing the beacons or pegs of any claim shall be punished by a penalty not exceeding One Hundred Pounds Sterling, and in default of payment shall be liable to be imprisoned, with or without hard labour, for a period of not less than three months nor more than three years.

Penalty for removing beacons.

77. Any person paying his servants in rough gold shall be guilty of an offence, and on conviction thereof shall be liable to a fine not exceeding Five Hundred Pounds Sterling, and in default of payment to imprisonment, with or without hard labour, for a term not exceeding three years.

Penalty for paying servants in rough gold.

78. Any person purchasing, trading, or receiving rough gold from any Native, either on a proclaimed public field, or elsewhere within the limits of the Colony, shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding One Thousand Pounds Sterling, and to imprisonment, with hard labour, for a period of not more than five years. The word Native used in this Section shall not apply to any male Native resident duly licensed under the provisions of the Seventy-fourth Section of this Law.

Penalty for dealing with Native in rough gold.

79. Any Native, not being a male Native resident duly licensed under the provisions of the Seventy-fourth Section of this Law, selling, bartering, receiving, or disposing of rough gold shall be guilty of an offence, and shall be punished by imprisonment, with hard labour, for a term not exceeding three years.

Vide Sec. 74.

Penalty for Native dealing in rough gold.

Vide Sec. 74.

80. It shall be lawful for diggers or miners to dispose of minerals as they may deem fit: Provided that it shall not be lawful to sell or barter native gold to any person or persons other than bankers, or such other persons who are licensed to trade in gold, and all such bankers or licensed persons shall keep a faithful record of their purchases, setting forth the name of the seller, quantity bought, and date of transaction.

Disposal of minerals.

Native gold.

81. It shall not be lawful for any person other than a licensed proprietor, digger, miner, or licensed dealer, to be in possession of native gold other than in such small quantities as may be reasonably held for scientific purposes or as mineral specimens. Any person found unlawfully in possession of native gold, or gold amalgam, shall be liable to summary arrest by any police officer or any licensed miner, and shall, on conviction before a Magistrate, be liable to a fine not exceeding Five Hundred Pounds Sterling, and in default of payment to imprisonment with hard labour for a period not exceeding three years.

Possession of Native gold prohibited except to licensed prospectors, dealers, &c.

82. In the event of the discovery of mineral oil or oils in this Colony, the Governor in Council shall have power to make, promulgate, and enforce such regulations for the proper working of the wells as from time to time shall be deemed necessary; and as to discoveries upon Crown or public lands, grant such protection to the discoverer or discoverers as may to the Governor in Council be deemed fair and reasonable.

Mineral oil wells.

Mining.

Transfer duty not chargeable on as much of price of land as represents value of gold, &c., therein.

Vide Laws 8, 1880, and 19, 1883.

Appraisalment for purposes of exemption.

Proviso.

Governor in Council may make regulations for enforcing safe working of mines, inspection of workings, and other matters.

Governor in Council may make rules and regulations for carrying out provisions of Law.

83. Whenever any land owned by any person has been or shall be sold, and the price paid or to be paid for such land includes a value put upon gold, silver, or diamonds supposed to be in and upon the said land, no transfer duty shall be charged or exacted by the Registrar of Deeds or other receiver of transfer duty in respect of the price or value of such gold, silver, or diamonds, anything contained or which may be construed to be contained in the Laws No. 5, 1860, and No. 19, 1883, to the contrary notwithstanding.

84. Such exemption from the payment of transfer duty shall be claimable only in respect of such portion of the purchase price as represents the estimated value put upon the gold, silver, or diamonds by the declaration on oath of a sworn Appraiser appointed by the Registrar of Deeds for the purpose of making such valuation: Provided that in every case transfer duty shall be payable on the value of the land, estimated at an amount of not less than the upset price per acre of Crown Lands at the date when the sale took place.

85. In addition to any power by this Law conferred on the Governor in Council to make regulations, it shall be lawful for the Governor in Council, subject to the provisions of this Law, to make regulations from time to time to be in force throughout the Colony for enforcing under a penalty in any case of default of a sum not exceeding Fifty Pounds Sterling, the safe working of mines, and for prescribing the mode of inspection for all shafts, tunnels, drives, or workings, and the powers and duties to be exercised by the persons authorised to act as inspectors in that behalf, and determining and for enforcing the distance at which all shafts and other mining workings are to be kept from public and private roadways and passages and from private land, dwellings, and other buildings.

86. It shall be lawful for the Governor in Council from time to time make, alter, amend, and revoke rules and regulations the better to carry into effect the provisions of this Law, and among other for all or any of the purposes following:—

- (a) For regulating the Constitution of Diggers' or Lessees' Committees.
- (b) For regulating the granting of mining leases and the terms and conditions on which such leases shall be granted, the amount of rent or royalty to be paid, whether in advance or otherwise, by the grantees of such leases, the manner in which persons desirous of having such leases granted to them shall mark out the land for which they apply, the mode and time of making and investigating and of determining upon applications for and objections to the granting of leases, the amount of deposit to be paid by the applicant, and the terms and conditions upon which such leases may be held, occupied, worked, assigned, forfeited, or cancelled: And such regulations may be applicable either to the whole Colony or to any part thereof.
- (c) For prescribing the mode and terms under and subject to which licenses to search for any mineral other than gold may be granted.

Mining.

- (d) For prescribing the mode, times, and places for the issue of prospectors' and other licenses.
- (e) For the management and administration of the affairs of mining centres or districts constituted under this Law.
- (f) For prescribing the area, boundaries, form, and position of claims, and for regulating the use and occupation of land held under this Law and mining operations therein and thereon.
- (g) For prescribing the manner in which and what rights and obligations any claim or licensed holding, or any race, dam, or reservoir, or any water diverted, or any machine, business or residence site shall be held, occupied, used, worked, or enjoyed.
- (h) For regulating the construction, maintenance, and use of roads, railways and tramways, water-races, dams, and reservoirs.
- (i) For prescribing the mode in and the terms and conditions subject to which a stream or river or any portion of a stream or river may be diverted from its natural course for the purpose of mining therein.
- (j) For enforcing and regulating the drainage of quartz reefs and of mining claims held under any regulation, and of lands held under gold mining leases heretofore or hereafter to be issued.
- (k) For granting protection to persons desirous of temporarily ceasing to work their claims or licensed holdings.
- (l) For preventing nuisances in and about residences and places of business held under the Law, and for cleansing and making clean the same.
- (m) For preventing the defiling and wasting of water used for domestic purposes, and for the setting apart springs, streams, and other depositories of water, or any portion thereof for domestic purposes.
- (n) For regulating the filling up of shafts, pits, holes, and excavations, and fencing the same.
- (o) For establishing registers for registering all rights, titles, and interests held under or created by this Law, and all assignments and transfers thereof, and all encumbrances and liens thereon and discharges thereof.
- (p) For fixing the fees to be paid under this Law, and any regulations made thereunder.
- (q) And generally for facilitating and more effectually carrying into execution the objects of this Law, especially in cases in which no provision, or no sufficient provision, is made for the same. Any right, title, or interests acquired under or created by any regulation made in conformity with this Law shall not be in any manner affected by any alteration, amendment, or revocation of such regulation.

Mining.

Any person contravening any rule or regulation framed under the provisions of this Section may be punished by a fine not exceeding Ten Pounds Sterling, or by imprisonment, with or without hard labour, for a period not exceeding three months, or by both such fine and such imprisonment, and also by imprisonment in default of the payment of any fine imposed.

Prosecution of
contraventions.

87. All contraventions of this Law cognisable by the Courts of the Resident Magistrates may be prosecuted in the Court of the Resident Magistrate of any County or Division within which the offence shall have been committed, at the instance of the Public Prosecutor.

Offences beyond
jurisdiction of
Courts of Resident
Magistrates
may, on certificate
of Attorney-
General, be tried
in such Courts.

88. And whereas the punishments assigned to certain offences under this Law are beyond the jurisdiction of Resident Magistrates, but it would be frequently more advantageous that such offences should be brought for trial before the Courts of such Resident Magistrates, in order that the punishment of offenders may be more prompt, even though less severe: It is therefore enacted that, in case of any person committing any offence under this Law, which offence would not be otherwise cognisable by a Resident Magistrate by reason of the punishment to which the same is subject, a certificate may be presented to any Resident Magistrate, signed by the Attorney-General, to the effect that such officer is content that such offence or act shall be prosecuted before the Court of such Resident Magistrate, and in such case it shall be competent to such Resident Magistrate to take cognisance of such offence or act, and to award in respect thereof so much of the punishment assigned thereto as he is empowered under the Laws defining the powers and jurisdiction of Resident Magistrates to award: Provided that no offender shall be deprived of the right competent to defendant or prisoner under Section 5 of Law 16, 1861.

Vide Law 16,
1861, Sec. 5.

Prosecution of
contraventions
in the Supreme
and Circuit
Courts.

89. All contraventions of this Law, other than those cognisable in the two preceding Sections mentioned, shall be prosecuted by indictment by the Attorney-General at the suit of the Queen in the usual manner before the Supreme Court or any Circuit Court, and in the latter case it shall not be necessary for the prosecutor to show, nor shall it be material whether the contravention charged was committed within the jurisdiction of such Circuit Court: Provided however that it appear that such contravention occurred within the Colony.

Payment and
disposal of fines.

90. All fines imposed by this Law shall be paid to Her Majesty, Her Heirs, and Successors, and, unless remitted, shall be applied to the uses of the Government of this Colony.

Schedules.

SCHEDULE A.

PROSPECTING LICENSE FOR CROWN LANDS.

License is hereby granted to _____ to prospect and
search for gold and precious stones on Crown Lands in this Division
during the period from _____ to _____

Mining.

for which he has paid in advance the sum of £ , for six months.

Commissioner of Mines or Resident Magistrate,
or other Officer as the case may be

.....

....., 18 ,

SCHEDULE B.**PROSPECTING LICENSE ON PRIVATE LANDS.**

License is hereby granted to to prospect for

gold and precious stones on the farm for the term
of months, for which he has paid the sum of
£ , being license money calculated at £ per month.

Commissioner of Mines,
or other Officer as the case may be.

SCHEDULE C.**DIGGER'S LICENSE.**

License is hereby granted to to mine and
dig for gold and precious stones on the public fields in
this Colony during months from 18 , to
18 , and to enjoy all privileges secured by law to
licensed diggers.

For this license has been paid the sum of £. sterling,
being the amount for months at per month.

Commissioner of Mines or other Officer
as the case may be.

SCHEDULE D.**FORM OF TRANSFER.**

I, A. B., of , being registered as the
holder of claims, numbered in the register
upon the public field , in the Division of
, in consideration of the sum of
paid to me by C. D., of , the receipt of which
sum I hereby acknowledge, do hereby transfer to the said C. D.
all my right, title, and interest in and to the claims Nos. .

Mining.—Road Boards.

And I, C. D., do hereby accept transfer of the right, title, and interest of the said A. B. in and to the said claims aforesaid, subject to the provisions of "The Natal Mines Law, 1888," and the Regulations made thereunder, and I hereby agree to be bound by all and singular the terms, conditions, covenants, provisions, restrictions, and reservations applicable to the said claims.

In witness whereof we have hereunto subscribed our respective names, at _____, this _____ day of _____, 18 ____.

A. B., Transferor.
C. D., Transferee.

As Witnesses :
E. F.
G. H.

Endorsement.

I have this _____ day of _____, 18 ____, registered the above-named Transferee as the holder of claims Nos. _____.

J. K.,
Supervisor.

.....
.....18 ____.

Given at Government House, Natal, this 27th day of November, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 85, 1888.

(Signed) A. E. HAVELOCK.

For providing a sum not exceeding £975,485 8s. 4d. for the Public Service of the Colony, during the year 1889.

LAW No. 86, 1888.

(Signed) A. E. HAVELOCK.

To Consolidate the Law as to Road Boards.

Preamble.

WHEREAS it is expedient to consolidate and amend the Laws providing for the establishment of Local Road Boards throughout the Colony :

Road Boards.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Law may be cited as the "Road Board Law, 1888." Short title of Law.
2. The provisions of this Law shall extend to and be in operation in all the Magisterial Divisions of the Colony. Extension to all Magisterial Divisions.
3. The Law No. 17 of 1883, entitled Law "To provide for the establishment of Local Road Boards throughout the Colony," and the Law No. 19 of 1885, entitled Law "To amend the Road Board Law, 1883," shall be and the same are hereby repealed as and from the day next following that of the promulgation of this Law in the *Government Gazette* : Provided, that the repeal effected by this Law shall not invalidate or affect— Repeal of Laws 17, 1883, and 19, 1885.
 - (a) Anything done or suffered before the commencement of this Law under either of the Laws repealed by this Law ; nor Savings.
 - (b) Any right or privilege acquired or duty imposed, or liability or disqualification incurred, under either of the Laws so repealed.
4. Nothing in the repeal aforesaid shall be deemed or taken to destroy or affect the constitution, powers, acts, or functions of any Road Board in existence at the time of the taking effect of this Law, which Board shall be in the same state and condition as if it had been elected under this Law, and shall hereafter be subject to the provisions of this Law ; and every person whose name shall have been published in the *Government Gazette* as a member of any such Road Board shall be deemed and taken to have been duly elected as such member, nor shall any evidence of irregularity or alleged irregularity in his election be admissible to prove the contrary. Existing Road Boards continued.
5. As soon as conveniently may be after the promulgation of this Law, the Resident Magistrate of each division shall take steps for the election of members of the Local Road Board for such Division : Provided, that every Local Board which shall be in office at the date of the promulgation of this Law shall remain in office till the 31st day of December, 1889 ; every member of such Board shall then go out of office, and a new election take place : Provided always, that any member so retiring shall, if otherwise qualified, be eligible for re-election. On commencement of Law Resident Magistrates to take steps for election of Boards.
Retirement of members of existing Boards.
6. No person shall be capable of being elected or allowed to vote for a member of a Road Board in any Magisterial Division unless his name be on the Voters' Roll for that Division ; and he must also own landed property in the same, other than even in any township or village. Qualification to vote or for election.
7. Every Local Road Board in the Colony shall consist of the officer for the time being acting as Resident Magistrate of the Division, who shall be *ex officio* the Chairman thereof, and of five elective members. In the event of the absence of the Resident Magistrate from any meeting of the Board a Chairman shall be Constitution of Board.

Road Boards.

Clerk to Board.

elected from among the members present. The First Clerk of the Resident Magistrate shall be *ex officio* the Clerk to the Local Road Board of the Division. The Chairman of the Board shall in no case have a deliberative vote, but he shall have a casting vote whenever there is an equality of votes. It shall not be competent for the Board to proceed to the despatch of business unless there are four members present.

Election to be by voting papers.

8. In all elections of members of Local Road Boards the votes of the electors qualified to vote shall be given by means of voting papers, and not otherwise, and the majority of the votes which shall be so given and returned in each Division shall in every such case be binding on such Division. Each voting paper shall be in the form or to the effect set forth in the Schedule Form No. 1 annexed to this Law.

Vide Schedule.

Number of votes to be given by each voter.

9. Every person entitled to vote shall be entitled to give one vote, and no more, for each of any number of candidates not being in excess of the number capable of being elected at any election.

Retirement of elected members triennially.

10. The whole of the elected members of every Road Board shall retire at the end of every third year, dating in all cases from the 31st day of December, 1889, and a fresh election shall be held: Provided that nothing in this section contained shall prevent a member going out of office from being re-elected.

Date of triennial election.

11. The ordinary date of the triennial general election of members of a Local Road Board shall be on a convenient day to be fixed by the Resident Magistrate not later than the fourteenth day of December.

Notification of an election to be held.

12. When an election of one or more members of a Local Road Board for any Magisterial Division is to be held, the Resident Magistrate shall, thirty days at least before the day for receiving the duly accepted requisitions of one or more such candidate members, prepare and sign a notice thereof, and publish it by inserting it twice in the *Government Gazette*, at least once in one or more of the newspapers circulating within the Division, and by affixing it on the knowledge board at the seat of Magistracy. Such notice shall, as near as may be, be in the Form No. 2 as published in the Schedule to this Law.

Vide Schedule.

Requisitions to candidates.

13. No person shall be deemed a candidate at any election, nor shall be qualified to be elected as a member of a Local Road Board of any Magisterial Division, unless he has been invited to become such candidate by a requisition signed by at least five qualified voters of such Division, and shall have transmitted such requisition, with his acceptance thereof, to the Resident Magistrate at least fourteen days before such election is appointed to take place.

Signature of requisitioners.

14. No person shall sign any requisition to more than the number of candidates to be elected in the same Division, and if any person signs any requisition to more than that number his signature shall be expunged from all requisitions which he has signed.

Road Boards.

15. In case the full number of members of a Local Road Board shall not be duly elected, the members for the time being, or in the event of any vacancy occurring in such Board by the death, removal, or resignation, or refusal, or disqualification to act of any members, the other or remaining members of the said Board, not being less in number than the quorum by this Law provided, shall continue to act until the next election or until the completion of the said Board, as if no vacancy had occurred, and as if the number of such Board were complete.

If full number be not elected the members for the time being, being a quorum, to continue to act.

16. If any member of a Local Road Board shall die, resign, become disqualified or incapable of discharging the duties of his office, another member shall be elected in manner herein provided, who shall hold office for the unexpired period for which his predecessor was elected.

Elections to vacancies.

17. In the event of any vacancy occurring in a Local Road Board at any time by the resignation or death of a member, or from any cause whatever, the Resident Magistrate shall take the steps necessary for the election of a duly qualified elector to fill any such vacancy. The steps taken to elect the members of a new Local Road Board and to fill all vacancies in any Board now or hereafter to be constituted, shall be by means of voting papers in the manner hereinafter set forth.

In event of any vacancy Resident Magistrate to take steps for election.

18. If the number of candidates who have accepted requisitions is the same as that of the vacancies, the persons requisitioned, if duly qualified, shall be deemed to be elected, and the Resident Magistrate shall make a return accordingly without having recourse to a poll and as soon as may be after the expiration of the time within which requisitions must be delivered to the Resident Magistrate. If the number of candidates who have accepted requisitions is less than that of the vacancies, the persons requisitioned, if duly qualified, shall be deemed to be elected, and the Resident Magistrate shall make a return accordingly. If the number of valid requisitions exceeds that of the vacancies, the members shall be elected from among the persons so requisitioned, if duly qualified.

If number of candidates be equal to or less than that of vacancies they are to be returned as elected.

If more candidates than vacancies, election requisite.

19. The Resident Magistrate shall, at least twelve days before the day appointed for the election in any Division, cause the names of the candidates for election thereat, together with the names of the persons who have signed such requisition, to be published as nearly as may be according to the form No. 3 in the Schedule herunto annexed, by affixing such form to the notice board, or in some other conspicuous place, at the Resident Magistrate's Office.

Notice of election to be held.

Vote Schedule.

20. The Resident Magistrate shall, without unnecessary delay, issue through the post a voting paper in the form or to the effect set forth in Form No. 1 in the Schedule annexed to this Law to each voter to his address as entered on the Voters' Roll, and such voting paper (the Christian name, surname, designation, and residence of the voter as appearing on the roll having previously been filled in by the Resident Magistrate, or some one having his authority) contained in an envelope shall be accompanied by a letter

Issue of voting papers to voters.

Vote Schedule.

Road Boards.

- Voter to fill up voting paper.** of intimation in the form or to the effect set forth in Form No. 4 in the Schedule hereunto annexed. And each voter upon receipt of his voting paper, if he desires to vote in the election, shall insert in the voting paper the name of the candidate for whom he votes, and the place and date of signature, and affix his subscription thereto in the presence of one witness, who shall personally know the voter, and who shall attest the fact of such voting paper having been signed by the voter in his presence at the place therein mentioned, by signing his name at the foot thereof, and adding his designation and place of residence in the form or to the effect set forth in Form No. 1 in the Schedule hereunto annexed.
- And return it to Resident Magistrate.** 21. Thereafter the voting paper so signed and attested as aforesaid shall, if the voter desires to vote in the election, be returned through the post, or in some other way delivered to the Resident Magistrate by whom it was issued, so as to reach him not later than the time named for the return of the voting paper. Each voting paper when received back by the Resident Magistrate shall be kept by him, unopened, in a fireproof safe or other place of safety until the poll begins.
- Time of poll.** 22. The poll shall commence at eight o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day.
- Polling officer.** The poll shall be taken before the Clerk of the Local Road Board or before some other officer appointed for that purpose by the Resident Magistrate.
- Counting votes.** 23. When the poll begins, the voting papers shall be opened and examined by the Clerk to the Local Road Board, or other officer as aforesaid, and if found to be in order shall be counted and put apart until the end of the poll, when the votes shall be cast up and the Resident Magistrate shall declare to be elected the candidates for whom the majority of votes has been given. The return of the Resident Magistrate shall be in the form or to the effect of Form No. 5 in the Schedule hereunto annexed. The Resident Magistrate shall in all cases notify by publication in the *Government Gazette* the names of all members elected or appointed to serve upon any Local Road Board: Provided, that the candidates may themselves attend, or may appoint agents to represent them and attend at the counting of the votes.
- Vide Schedule.**
- Notification of result.**
- Resident Magistrates.** 24. Where an equality of votes is found to exist between any candidates at an election for a Local Road Board, and where the addition of a vote would entitle any one of such candidates to be declared elected, the Resident Magistrate as the returning officer, and whether a qualified elector or not, may give such additional vote, but shall not in any other case, even though a duly qualified elector, be entitled to vote at an election for which he is returning officer.
- Resignation of a member of Board.** 25. Any member of a Local Road Board shall have power to resign office upon giving at least one month's previous notice, in writing, to the Clerk of the Board of his intention so to resign.
- Insolvency.** Any member of a Local Road Board who is adjudged insolvent shall be disqualified for being elected to, or holding or exercising the office of such member as aforesaid, and shall *ipso jure* cease to hold such

Road Boards.

office. No proceedings of a Local Road Board shall be invalidated or be illegal in consequence of a vacancy or vacancies in the said Board, provided that the quorum of members by this Law required be present at and take part in all meetings of such Board.

Proceedings of Board during a vacancy.

26. In case an election of members of a Local Road Board shall not take place in pursuance of this Law, or in case any member duly elected shall neglect or refuse to act, a fresh election shall be ordered, and if an election shall not thereupon take place, or any member who may be elected at such fresh election shall neglect or refuse to act, then the Governor may appoint any person whom he may deem fit, and who shall be qualified under the provisions of this Law to fill the place of any such member of whom there has been such failure of election, or of any member who shall have neglected or refused to act as aforesaid; and every person so appointed shall serve and hold the office of a member of the Local Road Board until the triennial election shall take place under the provisions of this Law, and every person so appointed shall during his period of service of the office have the same powers, and shall be subject to the same obligations in all respects, as members elected under this Law; and every member neglecting or refusing to act shall, upon the appointment of any person to fill his place, cease to act and to have any right or title to act until again duly elected or appointed to be a member.

On failure of election Governor may appoint a member.

27. The expenses incurred in preparing and issuing voting papers, and in taking the poll, and in and about every election of members, shall be paid out of the general revenue of the Colony.

Expenses of election payable from general revenue.

28. It shall be lawful for any Local Road Board out of the funds voted by the Legislature, and placed at its disposal by the Government, to pay to each member attending any meeting of such Board travelling expenses at a rate in regard to each member not exceeding in the whole Twenty Shillings per diem for every day necessary for journeying to, remaining at, and returning from the place of meeting: Provided, that no member whose ordinary place of residence shall not be distant more than three miles from the place in which any meeting of such Board shall be held shall be entitled to receive any payment for or in regard to his attendance at such meeting either by way of travelling expenses or otherwise.

Allowance to members of Board for expenses.

29. No member of any Local Road Board shall vote upon any question in which he may be directly interested.

No member may vote when directly interested.

30. The term "by-road" or "right of way" as in this Law used, shall be taken to mean and apply to a road which is a servitude by deed, prescription, dedication, or a way of necessity on the farm or land through or over which it runs and not being one of the roads as set forth in the next succeeding section.

Interpretation of terms.

31. As soon as may be after the coming into operation of this Law, the Colonial Engineer shall cause to be published in the *Natal Government Gazette* a list of the roads in each Magisterial Division

Publication of a list of Government roads.

Road Boards.

which are maintained by the Government, and such roads shall not come under the jurisdiction of the Local Road Boards.

Parties may agree that decision of Board shall be final.

32. It shall be lawful for the parties to any dispute which shall be brought before a Local Road Board under the provisions of this Law, if all the parties shall so agree, to enter together into a written agreement that the award or decision of such Local Board shall in all respects, both as to the subject matter of the dispute and as to costs, be final and conclusive and binding upon all the parties. And whenever such an agreement shall have been entered into as aforesaid, the award or decision of the said Local Board shall be final and shall bind the parties, and shall be subject to no appeal from, or alteration by, any Court or Judge.

Powers of Board.

33. Every Local Road Board shall have power and authority to take into consideration all cases of dispute or questions referring to the opening of new by-roads or rights of way or the keeping open of existing by-roads or rights of way, the closing of such by-roads or rights of way as may be no longer needed, and the making of alterations in by-roads or rights of way. And also to define and determine the width of any by-road or right of way already existing or hereafter to be opened up or altered under the provisions of this Law : Provided that no alteration shall be made in the width of any such by-road or right of way passing through or between any gardens, cultivated lands, or orchards, or between buildings or homesteads : And provided also that any such definition and determination shall be subject to confirmation or otherwise as is hereinafter provided for.

Powers of Board to order opening of a road which has been stopped.

34. Any Local Road Board established under this Law shall have power, summarily, to order the opening of any road or right of way, which may have been stopped, or in which any deviation has been made, or which has been otherwise obstructed, pending any enquiry or other proceedings that may have been taken relative thereto under this Law ; and any person closing up such road or right of way, or committing any act which shall obstruct free traffic along any such road or right of way opened as aforesaid by or under the direction of the Local Road Board as aforesaid, shall, on conviction, forfeit and pay a penalty not exceeding Five Pounds for every such offence, and in default of payment thereof suffer imprisonment for any period not exceeding one month.

Procedure for convening a Board.

35. The Resident Magistrate shall, as Chairman, be the convener of the Board ; and in all cases of dispute, whether they refer to the opening of new by-roads or rights of way or the keeping open of by-roads or rights of way, the closing of such by-roads or rights of way as may be no longer needed, or the making of alterations in by-roads or rights of way, application in writing must be made by the person or persons aggrieved to the Resident Magistrate aforesaid, who shall thereupon call a meeting of the Board appointed as aforesaid, and notify to the disputants, in writing, the time and place fixed for such meeting. A notice specifying the business to be transacted, and the date at which the meeting of the Board will be held, shall be published, for general information, twice in the *Government Gazette*, and

Road Boards.

twice in a newspaper published or circulating within the Division. The Resident Magistrate shall sign the said notice, and cause its due publication to be made.

36. The Board may, if they deem it necessary to the enquiry, make a personal inspection of the road or roads in dispute, or may depute a Committee of their own body, not less than two in number, to visit the spot and report to the Board the result of their enquiries.

Inspection of roads by Board or a Committee.

37. All acts hereby authorised or required to be done by the Board, and all questions that may be brought before them, shall be done and decided by the majority of the same who shall be present at any meeting.

Majority of Board present to decide questions.

38. Minutes of the proceedings of every meeting shall be entered by the Clerk, in a book to be kept for that purpose, and signed by the Chairman after confirmation at the next subsequent meeting.

Minutes of meeting.

39. Any Local Road Board shall in any matter in which it has been called upon to adjudicate, require the person complaining to deposit a sum of money not exceeding £25 nor less than £15, in order to provide for the due payment of the expense of holding any enquiry in case such person shall thereafter be required to pay such expense. Such expense shall in no case include any remuneration or travelling expenses to any member of the Board, but shall include costs of advertising, survey, and expenses of a like nature.

Sum to be deposited by applicant for expenses.

40. After the Board shall have arrived at a decision on the question or dispute referred to them, they may employ a licensed Government surveyor to lay off by survey the road or roads agreed to on the plan or diagram of the land, and the Surveyor so employed shall certify accordingly. Such decision shall be embodied in a written report, which shall be duly attested, and, together with the minutes of proceedings and evidence adduced, shall be deposited in the office of the Resident Magistrate, the Chairman of the Board, and copies of the same shall also be deposited with the Registrar of the Supreme Court, to be there filed of record, and the Resident Magistrate shall notify, in the *Government Gazette* that, unless, within a period to be defined in the notice, such period not to exceed three months, proceedings shall have been instituted for appealing against such decision, it will become final and conclusive, and subject to no appeal: Provided, however, that where any of the parties interested reside out of the Colony, extension of the period within which proceedings for appeal may be instituted may be granted by the Supreme Court, or any Circuit Court, or a Judge in Chambers, on application to that effect being made by the agent of any such parties, to a period not exceeding six months from the date of the first notification in the *Government Gazette* aforesaid, and provided such application for extension be made within fourteen days from the date of such notification.

Surveyor to lay off road decided upon by Board.

Proceedings to be deposited in Resident Magistrate's Office, and copies filed with Registrar of Supreme Court.

Notification of time within which to appeal.

Extension of time.

41. During the period specified in such notice the decision and the minutes shall be open to inspection by any person who may desire and apply to the Resident Magistrate for leave to inspect the same, and a copy of the said decision shall, within one week after the deposit thereof in the Resident Magistrate's Office, be forwarded

Inspection of decision and minutes.

Road Boards.

by the Resident Magistrate to the Colonial Engineer, for the information of any person who may desire to inspect it.

Costs.

42. The Board shall decide as to the costs of the enquiry, the record of the same, the expenses of the survey, and all other costs incidental to the cause, and by which of the disputants they shall be paid. Such costs may be sued for and recovered in any competent Court in the Colony, or the award of the Board in reference thereto may be made an order of judgment of the Supreme Court at the instance of the Clerk of the Board.

When no petition to Supreme Court presented, Board's decision to become final.

43. When the Local Road Board shall have given a decision in conformity with the terms of this Law, and when no petition shall have been presented to the Supreme Court in manner hereinafter mentioned, such decision shall, upon the expiry of the time allowed for filing such petition, become and be final, binding, and conclusive, and such decision and the minutes of proceedings upon which the same is based shall be forwarded to and deposited and filed in the office of the Surveyor-General of the Colony, who, upon receipt thereof, shall forward such decision to the Governor, and shall report what amendments of original title deeds, plans, diagrams, deeds of transfer, and other records, such decision will necessitate, and the Governor shall be, and he is hereby authorised and empowered to direct that such amendments shall thereupon be made accordingly.

Proceedings to be filed in office of Surveyor-General.

Petition to Supreme Court against decision of Board.

44. It shall be lawful for any person whom such decision shall or may concern, at any time within the period specified in such notice as aforesaid, to present a petition to the Supreme Court, stating that he feels aggrieved by such decision, and praying the said Court to inquire into and correct the same, and notice of such petition having been lodged shall be given to the Resident Magistrate in whose office the written decision shall have been deposited not later than fourteen days from and after the day of presentation thereof: Provided that any number of persons having the same or a similar interest in opposing such decision, may join in petitioning for the correction of the same: Provided also, that it shall be the duty of the Colonial Engineer, or other officer appointed by the Governor, to watch the proceedings at every stage, and to intervene, without notice or summons specially served on him, on behalf of the interests of the Government.

Colonial Engineer to intervene on behalf of Government.

Application to Supreme Court for review of decision.

45. It shall be lawful for the petitioner, at any time within the period specified in the notice provided for in Clause 40, to move the Supreme Court, without notice, for a rule to show cause why the decision complained of should not be reviewed, for the purpose of being corrected, and why the petitioner should not be adjudged to be entitled to make good his right to such specific relief as shall be set forth in such rule; and the said Court, as may to justice appertain, shall grant or refuse such rule.

Rule to show cause, service of.

46. Should the said Court see fit to grant such rule as aforesaid, it shall be served upon all such persons as the Court shall direct, and shall be returnable upon such days as the Court shall appoint and upon such day it shall be lawful for the parties served with the

Road Boards.

same, or any of them, to appear, and upon affidavit or otherwise to show cause against such rule, and thereupon such rule shall be discharged, or amended, or made absolute, as to the said Court shall seem meet.

Confirmation or otherwise by Court.

47. In case the said Court shall make such rule absolute or amended as aforesaid a rule of Court, then the said Court shall direct the manner in which the matter in controversy between the applicants and the respondents shall be further investigated, and may take additional evidence, either *viva voce* or by affidavit, or may order an examination before a Commissioner appointed by such Court, and upon interrogatories framed or approved of by such Court, or may direct a Commissioner likewise so appointed to inspect the roads in question and take evidence upon the spot, and such Court shall decide whether the decision in question shall or shall not be affirmed wholly or in part.

Further procedure may be directed by Court.

Decision thereupon.

48. As often as the Supreme Court shall refuse a rule to show cause as aforesaid, or having granted such rule shall afterwards discharge the same, or having made such rule absolute, shall ultimately affirm the decision petitioned against, then such decision shall become and be thenceforward final, binding and conclusive.

If Court refuse rule Board's decision to become final.

49. If in any case the Supreme Court shall see fit to correct any decision petitioned against, then the said Court may delegate to such fit and proper person or persons as the said Court shall select, the duty of laying off on the plan or diagram of the land, the road, or roads, as altered or amended by such corrected decision, and to show upon the ground the road, or roads, as aforesaid.

When decision amended Court may delegate person to lay off road as amended.

50. Any and every decision of any Road Board constituted under the provisions of this Law shall be published for general information twice in the *Government Gazette*, at least once in one or more newspapers circulating within the Division, and by affixing it on the knowledge board at the seat of Magistracy, as soon as possible after the same shall have been confirmed and effect is given to the same. And no existing by-road or right of way shall be closed, nor shall any deviation or alteration made in any such existing by-road or right of way be enforced, until thirty days have elapsed since such notice as aforesaid was first published in the *Government Gazette*.

Publication of Board's decision

No road to be closed, &c., until after 30 days.

51. Whenever the proprietor or leaseholder of any land over which a by-road or right of way shall pass shall be desirous of fencing such land he shall be at liberty to do so, if he provides swing gates in such fencing so as to allow persons entitled to use such by-road or right of way free access thereto; and such gates shall at all times be kept in proper repair by the proprietor, or in case the land is leased then by the leaseholder thereof. Such gates to be folding gates, and to be swung and have proper fastenings, to be not less than fourteen feet between the posts and not less than four feet high. Any gates erected before the passing of this Law, if coming within the definition of this Law, shall be considered as erected under this Law. Any person failing, within reasonable time, to erect gates as herein specified shall be liable on conviction to a penalty not exceeding Five Pounds,

Fencing lands over which a by-road passes.

Road Boards.

Gates to be
closed by persons
passing through.

52. Any person, not being the proprietor or leaseholder, or not being thereto duly authorised by the proprietor or leaseholder, who shall pass through any gate erected or provided in pursuance of the provisions of this Law, and who shall not immediately after so passing through the same, with or without any vehicle or animals in his care, close and fasten such gate, or cause the same to be closed and fastened, shall be liable on conviction before any Resident Magistrate to a penalty not exceeding Five Pounds, or in default of payment thereof, to imprisonment, with or without hard labour, for any period not exceeding one month, unless such fine be sooner paid.

Penalty for
unauthorised
opening of gates.

53. Any person not being the proprietor or leaseholder, or not being thereto duly authorised by the proprietor or leaseholder, who shall open or unfasten any gate erected or provided in pursuance of the provisions of this Law, except for the purpose of then and there passing through the same with or without any vehicle or animals in his care, or of enabling some other person or persons so to pass, shall, upon conviction before any Resident Magistrate, be liable to a penalty not exceeding Ten Pounds, or in default of payment thereof, to imprisonment with or without hard labour for any term not exceeding two months, unless such fine be sooner paid.

Prosecution of
contraventions.

54. All contraventions of this Law may be prosecuted summarily before the Court of any Resident Magistrate having jurisdiction, upon the complaint and information of the person placed in charge over any such road as aforesaid, or, in the discretion of the Magistrate before whom such complaint is made, by the Clerk of the Peace or other officer acting in that capacity.

Action for
damages for
opening gates
not taken away.

55. Nothing in this Law contained shall prevent any person, who deems that he has sustained loss or damage by or in consequence of the leaving open of any gate erected in accordance with the provisions of this Law from bringing an action in any competent Court for the recovery of such loss or damage.

Municipal
Corporations and
townships
excluded from
operation of Law

56. The towns of Pietermaritzburg and Durban, and any other towns which are or shall come under the operation of the "Municipal Corporations Law, 1872," or Law No. 11, 1881, and the Town Lands thereof, shall not be deemed to be within any County or Division, and shall be excluded from the operation of this Law.

SCHEDULE.

FORM No. 1.

LOCAL ROAD BOARD ELECTION.

Division of

Voting Paper.

I, A.B. (the Christian name, surname, and designation of the voter), entered on the Voters' Lists as residing at (residence as

Road Boards.

appearing on the Register), hereby declare that I have not before voted at this election, and hereby give my vote at this election for

.....

Witness my hand this day of 18 .

(Signed) A.B.

Signed by A.B., who is personally known to me, at the place and of the date above-mentioned, in my presence.

(Signed) C.D.
 (add designation and place of residence.)

FORM No. 2.

FORM OF NOTICE.

Magisterial Division of

Election of Member of the Local Road Board for this Division.

Take notice that an election of Member for the Division of will be held on , the day of 18 .

Candidates must be requisitioned by writing, subscribed by not less than five electors.

Candidates must be duly qualified, and the requisition paper must state in full the surname and other names of the person requisitioned, with his abode and description.

Requisitions, duly accepted, must be delivered by the candidate himself, or someone on his behalf, at the office of the Resident Magistrate for this division, before three o'clock in the afternoon of the day of next.

Dated this day of , 18 , at

Resident Magistrate,

1986

LAW No. 36, 1888.

Road Boards.

Form No. 3.

LOCAL ROAD BOARD ELECTION.

Names of candidates at the election of members of the Local Road Board for the Division of _____ to be held on _____ the _____ day of _____, 18 _____, together with the names of the persons who have signed requisitions to the candidates.

Candidate ...					
Requested by					

Dated at _____ the _____ day of _____ 18 _____.

Resident Magistrate.

Form No. 4.

LOCAL ROAD BOARD ELECTION.

Division of _____

LETTER OF RESIDENT MAGISTRATE.

To A.B. (Christian name, surname, and designation of voter).

SIR,

I have to intimate that—

1. (Names of candidates in full.)
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Road Boards.

have accepted requisitions to fill the office of a member of the Local Road Board for this Division.

Along with this letter you will receive a voting-paper, and should you desire to vote at this election I have to request that you will insert in the blanks of the voting-paper the names of the persons for whom you vote, and the place and date of your signing, and having signed your name thereto in presence of one witness, who will also sign his name as directed, you will return the voting-paper, by post or otherwise, to me at the seat of Magistracy so as to reach me on or before 12 o'clock noon of (insert the day on which the poll closes).

Dated at _____, this _____ day of _____, 18 ____.

Resident Magistrate.

FORM No. 5.

LOCAL ROAD BOARD ELECTION.

I, A. B., Resident Magistrate of the _____ Division, hereby declare that the voting-papers in this election have been duly counted, and that the following is the result :

Voting-papers in favour of _____	(number)
Voting-papers in favour of _____	(number)
Voting-papers in favour of _____	(number)
Voting-papers in favour of _____	(number)
Voting-papers in favour of _____	(number)
Voting-papers in favour of _____	(number)
Voting-papers in favour of _____	(number)
Voting-papers in favour of _____	(number)
Voting-papers in favour of _____	(number)

and that

have been elected members of the Local Road Board for the Division of _____

Certified by me and signed by me at _____, on the _____ day of _____, at _____ o'clock afternoon.

(Signed)

A.B.,
Resident Magistrate,
Division.

Given at Government House, Natal, this 10th day of December, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

Evidence in Criminal Cases.—Native Education.

LAW No. 37, 1888.

(Signed) A. E. HAVELOCK.

To Amend the Law of Evidence in Criminal Cases.

Preamble.

WHEREAS it is expedient to provide for more general admission of the evidence of persons accused of crime, and of the spouses of such persons than exists at present :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

In criminal proceedings accused and wife or husband competent but not compellable witnesses.

Application of Law of Evidence.

1. In any proceeding against any person for any crime or offence such person, and the wife, or husband, of the person so proceeded against, shall be competent, but not compellable, witnesses on every hearing of, at every stage of such charge or proceeding.

2. Any accused person, or the spouse of such person, giving evidence under this or any other Law shall be subject and entitled to all rules, liabilities, and rights of, or connected with, the Law of Evidence for the time being, save that the tendency of a question to crimination of the accused person in respect of the charge then on investigation or trial shall not be deemed an excuse for such accused person refusing to answer such question.

Given at Government House, Natal, this 10th day of December, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 38, 1888.

(Signed) A. E. HAVELOCK.

To amend Law No. 1 of 1884.

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Amendment of Law 1, 1884, Sec. 5, Sub-sec. (d).

1. Sub-section (d) of Section 5 of Law No. 1, 1884, shall be amended by the insertion therein, after the word "Industrial," of the words "or Manual."

Classification of Native Schools receiving Government aid.

2. The Council of Education shall have power to classify all Native Schools receiving Government aid into three classes, as follows :—

Class I.—Industrial Schools at which regular instruction is given in trades or handicrafts, to be eligible for the highest scale of grants.

Native Education.—Defects in Surveys.

Class II.—Schools at which manual or field labour, approved by the Council of Education, is regularly performed by the scholars, to be eligible for the second scale of grants.

Class III.—Schools at which no regular instruction is given in trades or handicrafts, or in manual or field labour, being the schools which are provided for in Section 1 of Law 13, 1885.

Vide Law 13, 1885.

3. The maximum scale of grants payable to each class, as hereinbefore set forth, shall be fixed by rules to be adopted by the Council of Education, subject to the approval of the Governor in Council. The grants to individual schools within each class shall be decided upon by the Council of Education.

Rules for fixing scale of grants.

4. This Law shall be read and construed together with the Law No. 1, 1884, and the Law No. 17, 1884, altering and amending the same, and the Law No. 13 of 1885, as one Law.

This Law to be read as one with Laws 1, 1884, 17, 1884, and 13, 1885.

5. This Law shall commence and take effect from and after the First day of January, 1889.

Commencement of Law.

Given at Government House, Natal, this 10th day of December, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAWS No. 39, 1888.

(Signed) A. E. HAVELOCK.

To remedy defects in Surveys of Land.

WHEREAS it is expedient, in order to prevent litigation and expense, and also to remove doubts which may in certain cases arise when, upon the re-survey of lands already granted, the same may be found to be of greater or lesser extent than the title deeds purport to convey, or otherwise to vary from the diagram annexed to the title deeds, or when the land described in one grant may be found to infringe upon or to overlap any adjoining grant, to make provision for the speedy and effectual adjustment of such questions :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Whenever, upon re-survey of any land by any licensed land surveyor, it shall be found that any error exists in the original survey or surveys of such land, it shall be competent for the owner or owners thereof, to submit the facts of the case by memorial to the Governor, and if such land shall have been attached, under a judgment of any competent Court, for the redemption of any amount due on mortgage, the mortgagee, or mortgagees, shall be held to be so far in a position of ownership as to be entitled to present such memorial, and to do any other acts which under this Law, an owner may legally do,

Memorial to the Governor representing that original survey is erroneous.

Defects in Surveys.

Surveyor's certificate and plan to accompany memorial.

2. Every such memorial must be accompanied and supported by the certificate of a licensed land surveyor, to the effect that the existing diagram is incorrect, and is not a true delineation of existing beacons, or of the position in which it is alleged that beacons ought to exist; and the skeleton plan must be annexed to said certificate, showing the position in which it is alleged that beacons ought to be, and also the positions of any beacons that may be in dispute, and the position in which the diagram, alleged to be incorrect, would place any or all such beacons.

Procedure to establish probability of error in original diagram.

3. The Governor shall cause such memorial and documents to be referred to the Surveyor-General, or other licensed surveyor, whose duty it will be thereupon to ascertain, from inspection of the plan, the field-book, and the computations of the surveyor, mentioned in Clause 1 of this Law, and from inspection of, and comparison with, any existing general plan, whether a probability of error in the original diagram exists; and, if so, he shall proceed to establish by tests locally applied the accuracy of the new survey, and to cause any inaccuracy he may discover to be forthwith corrected under his inspection by such surveyor: Provided that no person shall be appointed to test the accuracy of any such survey of land, the original survey of which was made by such person. The Governor shall then instruct the Surveyor-General to ascertain whether every proprietor, lessee, and mortgagee of adjoining property, or their lawful agents, have certified in writing, duly attested, their consent that existing beacons shall be maintained, and shall then return the memorial and annexures to the Governor, with a report thereon, embodying the result of his proceedings.

Surveyor General to report whether proprietors, lessees, and mortgagees of adjoining properties consent to maintenance of existing beacons.

If neither assent or dissent be expressed, Surveyor General to notify a date after which, if dissent be not intimated or substantiated, he will proceed as if assent had been expressed.

4. When, on application for the amendment of an incorrect diagram, the owners, lessees, and mortgagees of adjoining lands, or the lawful agents of such owners, lessees, and mortgagees, do not either assent to or dissent from the recognition of existing beacons, it shall be the duty of the Surveyor-General to notify in the *Government Gazette* and also when the domiciles of the owners, lessees, and mortgagees, or their agents, are known, by letter, that if within three months, in case such owners, lessees, mortgagees, or agents, all reside in the Colony, or within twelve months, if one or more of them reside out of the Colony, no intimation shall have been received of their dissent from the adoption of existing beacons, for the purpose stated; or if, notifying their dissent, they shall fail to appear in person or by agent, within the prescribed period, to set forth at his (the Surveyor-General's) office the reasons of such dissent, and to be then ready to substantiate such reasons, if called before any local tribunal, they will be held to have given their assent, or to have waived all reasons of dissent, and after the lapse of the time notified, the Surveyor-General shall proceed in the same manner, as if the consent had been actually expressed.

Rectification of plan and title deed.

5. On receiving the report of the Surveyor-General that error exists in the original diagram, that the rectification will be in accordance with the consent so expressed or implied as before said of all parties concerned, and that the work of the new measurement has

Defects in Surveys.

been accurately performed, the Governor shall be, and he is hereby, empowered to direct the Surveyor-General to amend the title deed accordingly, and to substitute a new or corrected plan and title deed for that found to be erroneous.

6. When, from the memorial and certificate referred to in the 1st and 2nd clauses, it shall appear that the original diagrams of any number of adjoining grants and farms do not agree with the existing beacons, and that the owners of the said lands, or their agents, are desirous of having a re-distribution of the lands, without reference to any evidence as to the positions in which the beacons ought on the original surveys to have been placed, but solely in accordance with agreement between themselves as to the beacons and boundaries, it shall be the duty of the Surveyor-General, or other Surveyor, as provided in clause 3 of this Law, to ascertain by the process described in such 3rd clause, whether a probability of existing error is shown; and if such probability exist, to test the accuracy of the new surveys, and, this being proved, or any inaccuracy in them being amended, then, as set forth in the same section, to ascertain whether the consent of every owner, lessee, and mortgagee of the lands referred to, or affected by the proposed re-distribution of the land, has been given to such re-distribution; and in the event of such consent on the part of all persons interested being established, to return the memorial and annexures, with his report of the above facts to the Governor; and the Governor shall be, and he is hereby authorised, thereupon to direct the original title deeds to be cancelled, and new titles to be issued, in conformity with the divisions and beacons marking the re-distribution of the lands, in accordance with the agreement of the parties interested.

Procedure for re-distribution of lands, by consent, where diagrams disagree with existing beacons.

7. Whenever, on an application made by memorial for the amendment of an incorrect diagram, it shall be stated in such memorial, or shall otherwise be known, that any owner, lessee, or mortgagee or his agent, refuses to admit the existence of the alleged error, or dissents from the amendment of the diagram, or from the adoption, for the purpose of amended diagram, of any beacon or beacons claimed by the applicant, it shall be the duty of the Surveyor-General, by notice in the *Government Gazette*, and also, if the domiciles are known, by letter, to acquaint all owners, lessees, and mortgagees of adjoining property, or their agents, that within three months (if all such interested parties are resident in the Colony), or within six months (if any of them reside out of the Colony), the Governor will be moved to cause a decision in regard to the matters in dispute to be given by the Board of Arbitrators hereinafter provided for; and that it will be incumbent on them, either personally or by agent, to attend at the office of the Surveyor-General within the aforesaid period of three or six months, as the case may be, for the purpose of affording information as to the place within the Colony at which any notice may be served upon them, calling on them to appear before the said Board of Arbitrators for the purpose of offering or rebutting any evidence on which such decision may be founded, and also for the purpose of naming any witnesses whom they may require to substantiate their claims and alle-

In case of dissent notification to be made that Governor will be moved to cause the matter to be decided upon by a Board of Arbitrators.

Defects in Surveys.

gations ; and that, failing so to attend, they will be held to have waived all objection to the proceedings, the evidence, and the decision that may be given thereon.

Appointment of
Board of
Arbitrators.

8. After the lapse of the period of three or six months prescribed in the notice in the preceding section mentioned, the Governor shall be, and he is hereby, empowered, to appoint a Board, to whom the question of such correction shall be referred. Such Board shall be styled a Board of Arbitrators.

Advocate or
Attorney may be
appointed to
advise the Board.

9. In any proceedings under this Law the Governor may appoint an Advocate or Attorney to give his advice to the Board on any question asked or submitted to him by the said Board, and to give the Board such assistance as it may require from him in framing its report. The payment to such Advocate or Attorney shall be a charge against the general revenue of the Colony.

Constitution of
Board.

10. This Board shall consist of three landed proprietors, resident in the Colony, not interested in the matters in dispute, not related within the third degree of consanguinity or affinity to any of the disputants, and not holding any official position under the Government of the Colony other than that of Justice of the Peace, Field Cornet, or Field Commandant.

Notification of
appointment and
meeting of
Board.

11. The Governor shall cause to be notified, in the *Government Gazette*, the names of the persons appointed by him to form the Board of Arbitrators, and the place and date at which the Board shall meet, such date to be determined by information to be afforded by the Surveyor-General as to the time required for duly summoning parties interested, and their witnesses.

List of persons to
be summoned to
be transmitted to
the Magistrate.

12. It will be the duty of the Surveyor-General to transmit to the Resident Magistrate of the county or division in which the lands, the boundaries of which are in dispute, are situate ; or if they be partly in one county and partly in another, then to the Magistrate whose seat of Magistracy is nearest ; a list of the owners of land, lessees, mortgagees, agents, or witnesses who are to be summoned to attend at the meeting of the Board of Arbitrators, together with the information as to the place where summons is in each case to be served.

Issue and service
of summons.

13. The Magistrate shall cause a summons to be prepared by the clerk of his Court, calling on each of the persons referred to in the preceding section to attend at the time and place appointed for the meeting of the Board ; and such summons shall be served by the same process as that for procuring the attendance of a witness to give evidence in any criminal case before the Court of the Resident Magistrate. Returns of such service of summons shall be forwarded by the Magistrate to the Chairman of the Board of Arbitrators.

Return of
service.

Daily allowance
to arbitrators.

14. Every Arbitrator appointed under this Law shall receive an allowance not exceeding twenty-five shillings per day, for every day during which he shall be really and *bona fide* engaged in any such enquiry, as aforesaid, or in repairing to or returning from the place or places where the same shall have been carried on : Provided that such allowance shall include horse hire, and shall form a part of the costs between parties in any proceedings before the Board.

Defects in Surveys.

15. The Governor shall cause to be forwarded to the Board of Arbitrators the memorial upon which such question arose, together with all annexures thereto, and the report of the Surveyor-General thereon, and also all such documentary evidence as the records of the Surveyor-General's Office can supply respecting the disputed survey.

Documents to be sent to the Board.

16. It shall be lawful for the parties to any dispute which shall be brought before a Board of Arbitrators under the provisions of this Law, if all the parties shall so agree, to enter together into a written agreement that the award or decision of such Board of Arbitrators shall in all respects, both as to the subject matter of the dispute and as to costs, be final and conclusive and binding upon all the parties. And whenever such an agreement shall have been entered into as aforesaid, the award or decision of the said Board of Arbitrators shall be final and shall bind the parties, and shall be subject to no appeal from or alteration by, any Court or Judge.

Parties may agree that the Board's decision shall be final.

17. At the time and place appointed by the Governor the said Arbitrators shall assemble, and shall elect one of their own number to be Chairman of the Board; and the Chairman so chosen shall, before the said Arbitrators proceed to any other business, take, in the presence of the other Arbitrators and of the bystanders, the following oath, that is to say:—

Meeting of Board.

Chairman.

I do solemnly swear that I will, to the best of my skill and knowledge, and without fear, favour, or prejudice, enquire into and decide all matters which this Board of Arbitrators has been appointed to enquire into and decide.

Arbitrator's oath

So help me God!

And the Chairman shall then administer the same oath, *mutatis mutandis*, to the other two Arbitrators, and the taking of the said oath by the Arbitrators shall be entered upon the minutes of their proceedings.

18. It shall be lawful for any such Board of Arbitrators to adjourn any inquiry, or the further proceedings thereupon, from place to place, or from time to time, as convenience may require; and such Arbitrators may, by any writing, signed by the three of them, depute any two of them to take, in writing, the evidence of any person or persons named or described in such writing, in order that such evidence may be received and considered at the next meeting of the said Board of Arbitrators.

Adjournment.

Taking of evidence by two arbitrators for consideration of Board.

19. The Arbitrators shall, when adjourning any inquiry pending before them, announce the place, day, and hour of their next intended meeting; and should they, during the adjournment, find reason to alter their announced intention, they shall cause notice to be given to all parties who were present at the last preceding meeting, of the change of place, day, or hour, of such next meeting.

Notice of adjourned meeting.

20. Any two of the said Arbitrators shall form a quorum, and shall be competent to exercise all and every the powers and authorities hereinafter committed and granted to the said Board; and every decision and act of such quorum shall be deemed and taken to be the

Quorum.

Defects in Surveys.

decision and act of the whole Board ; and whenever at any meeting of the said Board, at which only Two Arbitrators shall be present, they shall be equally divided in opinion on any matter or thing, the decision thereof shall be postponed until a subsequent meeting of the said Board, at which all the members thereof shall be present.

Proceedings to
be with open
doors.

21. The proceedings of every such Board shall be carried on, and the decisions and orders thereof pronounced and declared with open doors.

Secretary.

22. The Advocate or Attorney appointed under this Law shall be the Secretary of the Board.

Notice of any
announcement
by the Board to
parties.

23. In any case in which it shall be necessary or advisable for the Board to make any announcement or notification to any party or parties interested in the matter or dispute, such announcement or notification shall be made by a notice under the hand of the Secretary of the Board, which notice may be served upon the person to whom it is addressed, either personally or by delivery, or by posting the same in an official letter ; and such notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post ; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office.

Attendance of
witnesses.

24. Every such Board of Arbitrators shall be, and they are hereby empowered if need be, by summons, to be issued by direction of the Resident Magistrate, as provided by Clause 13, to require the attendance of all such persons as shall appear to them to possess useful information, and whom they may think fit to examine regarding any matter referred to such Board, under the provisions of this Law, and also to require such witnesses to bring with them and produce such papers or documents as shall be in their possession, custody, or power, and may be deemed necessary, and to administer oaths to all witnesses so summoned, and to all other persons who shall come or be before the said Arbitrators, and whom they shall think fit to examine.

Defaulting
witnesses.

25. Any person, without lawful cause, disobeying any such summons, or refusing to answer any lawful question put to him by the said Arbitrators, or any of them, shall, upon conviction, incur a fine not exceeding Forty Shillings Sterling. It shall however be lawful for any witness to refuse to give evidence unless his lawful expenses be tendered to him.

Payment of
witnesses'
expenses.

26. Every witness attending before any Board of Arbitrators, in pursuance of any such summons as aforesaid, shall (except as hereinafter is excepted) be allowed and paid his expenses at the same rate precisely as if he had attended at the same place in pursuance of the process of any such Court as in the 18th Clause mentioned, issued at the instance of the Public Prosecutor. A certified bill of expenses, signed by any two of the Arbitrators, shall, on the application of any person being a party in the case, and at whose instance or on whose behalf any witness or witnesses shall have been summoned, or shall have given evidence, be

Defects in Surveys.

delivered to such party or his agent, and shall set forth that such witness or witnesses attended in pursuance of a summons, or, if not summoned, that his, or their, evidence was necessary; and the certificate of the bill of expenses shall state that the time and distance charged therein are correct; and the Board, on arriving at their decision, shall have power to award by which of the parties, and in what proportions, such expenses, as well as all other necessary expenses incurred by the disputing party, or parties, shall be borne: Provided always that any of the parties feeling aggrieved by any such award or order as to costs or expenses may, upon such ground alone, petition the Supreme Court against the decision of the Board of Arbitrators in manner hereinafter provided: Provided also that no allowance shall be made by the Board for costs to Attorneys and Advocates employed as such: Provided also, that all expenses incurred by the Government, for any purpose whatever, in any case submitted for arbitration under the provisions of this Law, shall be paid out of the Public Treasury.

Petition to
Supreme Court.

Expenses
incurred by
Government
payable by
Treasurer.

27. It shall and may be lawful for the said Arbitrators to disallow the expenses of any witness summoned before them, who shall prevaricate or otherwise misconduct himself in the course of his examination.

Disallowance of
expenses of
witnesses.

28. If any person sworn by or before such Arbitrators as aforesaid shall wilfully make any false answer to any lawful question which shall be put to him, such person shall be deemed guilty of the crime of perjury, and, on conviction thereof, shall suffer the punishment by law provided for the said crime.

False evidence.

29. Every such Board of Arbitrators, in arriving at a decision upon any case referred to them under this Law, will consider the particular circumstances thereof, but they must, so far as possible, be guided by the general principles prescribed in the seven following clauses:—

Considerations
for arriving at
a decision.

30. The beacons of farms pointed out at the original survey the position of which has been proved to the satisfaction of the Board of Arbitrators, are to be deemed to denote and to include the true and proper farms as granted and intended so to be, notwithstanding that such beacons may not correspond with the original diagrams, or with the extents of land which the original diagrams purport to grant.

Original beacons
to denote the
true farm.

31. As often as it may be found that any land included within the original beacons of an older grant has afterwards been included within the diagram and beacons, or the diagram or beacons of a later grant, the right of the older grant to the overlap shall be recognised; unless it shall be proved that the beacons or landmarks taken for the later survey were recognised or pointed out for the purpose of the later survey by the grantee of the land first measured, or that the error of the overlap has resulted from the omission of some act on the part of the grantee of the first grant, which it was lawfully his duty to have done, in respect to the erection of beacons or otherwise.

In the case of
overlap the older
grant to be
recognised.

Exception.

Defects in Surveys.

Corresponding
excess and
deficiency in
adjoining grants.

32. Whenever it shall be shown to the satisfaction of the Board of Arbitrators that in the case of two adjoining grants one farm has an excess of area whilst the other has a deficiency in area, and that the excess in the one case has at some time formed what is now the deficiency in the other, the said Board shall have the power to award the excess to the owner of the farm which is deficient in area, or to award that the owner of the farm which has the excessive area shall pay to the owner of the farm which is deficient in area compensation at a fair and just price per acre, to be fixed by the said Board.

Adjustment to
meet the case of
buildings erected
on wrong land.

33. As often as it may be found that any buildings have, previous to the time of the commencement of proceedings, been erroneously or wrongfully erected upon land which by the decision of the said Board of Arbitrators is ascertained to form a part of the farm adjoining that upon which such buildings had by the owner been claimed to belong, the said Board shall have the power to adjudge so much of the land upon which the said buildings are erected as the said Board may consider necessary or proper to the farm upon which the buildings had been so claimed to belong, upon payment by the owner thereof to the owner of the adjoining farm of a fair and just price per acre, to be fixed by the said Board.

And of buildings
commenced *bona
fide* and com-
pleted without
notice by owner
of land infringed
upon.

34. If there shall be any building erected or any land adjudged to be illegally overlapping, then, if before such building was commenced it shall appear that it was so commenced *bona fide*, and suffered to be completed without notice by, or on the part of, the owner of the land infringed upon, that such building was being made on land, his property, then so much of the land as the said Board may determine to be needed and requisite for the due use and occupation of the said buildings, and the building thereon, shall be adjudged to be the property of the person who so, *bona fide*, and without notice to the contrary, built upon the same, upon payment by the owner of the house to the owner of the land so adjudged to the owner of the house fair and just compensation for the land so adjudged to him: Provided always, that if it shall appear that, in erecting such building, the person in erecting the same was not acting *bona fide*, or if before commencing the same, or at any time during the progress of such building, he shall have had notice that the land so being built upon was claimed by an adjoining grantee or proprietor, then the person so erecting such building shall not be deemed entitled to the land on which the same was erected, and adjudged to be illegally overlapping, but shall be entitled to remove the materials of which such buildings may be made, in every case in which the owner of the land shall refuse to pay the price of such materials together with the expense attending the erection of such building.

Proviso.

Correspondence
of beacons with
original diagram.

35. Whenever beacons may be in dispute, and one set of beacons accord with the existing original diagram, it shall, in the absence of any evidence that such accordance has resulted from the acts of a Surveyor subsequently employed, be deemed and taken to be proof that the beacons corresponding with the diagram must have been those indicated by the Surveyor to the grantee, and ought to be maintained.

Defects in Surveys.

36. In cases in which it may have occurred that land has been granted or sold by the Government upon a diagram, and that no distinct beacons were in existence and pointed out to the proprietor (the purchaser or grantee), and that the defect of the diagram renders it impracticable to place beacons in conformity with topographical features which the diagram professes to indicate, such diagram may and ought to be discarded: and an extent as nearly as practicable of equal area is to be assigned to the holder of the title in such position as may be found justly to consist with the interests of the Crown, of the holder of the title, and of proprietors, if any, of adjoining lands.

Grants or sales upon a defective diagram without distinct beacons.

37. Every Board of Arbitrators shall, in any matter referred to it under the provisions of this Law, have the power to determine and define the rights of the parties to any water in any stream or river, or derived from any spring, dam, or reservoir in any land the ownership of which shall be changed by the decision of the Board, and for that purpose have the power to specify the manner in which the water shall be conveyed; to award the amount of compensation, if any, to be paid for the possession and exercise of the right of the passage of the water, in one sum, or by way of annual rent charge.

Powers of Board in respect of rights to water.

38. The decision of any such Board of Arbitrators may be given by any two of such Board, notwithstanding the dissent of the third member thereof.

Board's decision may be given by two members.

39. Such decision shall be embodied in a written report, which shall be duly attested, and, together with the minutes of proceedings and evidence adduced, shall be deposited in the office of the Resident Magistrate, by whose direction the witnesses in the case have been summoned; and the Resident Magistrate shall notify, in the *Government Gazette*, that, unless, within a period to be defined in the notice, such period to be not less than one month, nor to exceed three months, proceedings shall have been instituted for appealing against such decision, it will become final and conclusive: Provided, however, that where any of the parties interested reside out of the colony extension of the period within which proceedings for appeal may be instituted may be granted by the Supreme Court, or any Circuit Court, or a Judge in Chambers, on application to that effect being made by the agent of any such parties, to a period not exceeding six months from the date of the first notification in the *Government Gazette* aforesaid, and provided such application for extension be made within fourteen days from the date of such notification.

Proceedings to be deposited in office of Resident Magistrate.

Notice of time for appealing.

Extension of time.

40. During the period specified in such notice the decision and the minutes shall be open to inspection by any person who may desire and apply to the Resident Magistrate for leave to inspect the same, and a copy of said decision shall, within one week after the deposit thereof in the Resident Magistrate's Office, be forwarded by the Resident Magistrate to the Surveyor-General, for the information of any person who may desire to inspect it.

Proceedings open to inspection.

Defects in Surveys.

If no petition to Supreme Court presented Board's decision becomes final.

Records to be filed with Surveyor-General.

Governor to direct carrying out of amendments.

41. When the Board of Arbitrators shall have given a decision for the amendment of any diagram, in conformity with beacons held by them to be true and just demarcations of property, and when no petition shall have been presented to the Supreme Court in manner hereinafter mentioned, such decision shall, upon the expiry of the time allowed for filing such petition, become and be final, binding, and conclusive, and such decision and the minutes of proceedings upon which the same is based shall be forwarded to and deposited and filed in the office of the Surveyor-General of the Colony, who, upon receipt thereof, shall forward such decision to the Governor, and shall report what amendments of original title deeds, plans, diagrams, deeds of transfer, and other records, such decision will necessitate, and the Governor shall be, and he is hereby authorised and empowered to direct that such amendments shall thereupon be made accordingly.

On issue of fresh deed existing deeds cancelled.

Hypothecation, &c., not affected.

Registration of endorsements.

42. Upon the issue of any fresh title-deed, all existing title-deeds or transfer-deeds of the same farm shall become cancelled, void, and of no effect: Provided that as often as any mortgage bond or hypothecation, conventional or tacit, of or over any farm so re-granted, shall be in existence at the date of any such fresh title-deed, such mortgage bond or hypothecation shall attach to and upon the said farm as so re-granted precisely as it existed upon the said farm under its former title-deed or transfer-deed, and all usual and proper entries and endorsements upon or in regard to such fresh title-deed as may be necessary to record any mortgage-bond or hypothecation of the land therein contained, shall be made in the Deeds Registry of the Colony, before such fresh title-deeds shall be delivered from and out of the office of the Surveyor-General to the person or persons entitled thereto, free from all Stamp Duties and Fees of Office.

Petition to Supreme Court against Board's decision.

Who may concur in petition.

Surveyor-General to intervene for Government interests.

43. It shall be lawful for any person whom such decision shall or may concern, at any time within the period specified in such notice as aforesaid, to present a petition to the Supreme Court, stating that he feels aggrieved by such decision, and praying the said Court to inquire into and correct the same, and notice of such petition having been lodged shall be given to the Resident Magistrate in whose office the written decision shall have been deposited not later than fourteen days from and after the day of presentation thereof: Provided that any number of persons having the same or a similar interest in opposing such decision, may join in petitioning for the correction of the same: Provided also, that it shall be the duty of the Surveyor-General, or other officer appointed by the Governor, to watch the proceedings at every stage, and to intervene, without notice or summons specially served on him, on behalf of the interests of the Government.

Proceedings to be transmitted to Registrar of Supreme Court.

44. The said Resident Magistrate, upon receiving notice as aforesaid that a petition has been lodged, shall with convenient speed transmit to the Supreme Court addressed to the Registrar thereof, the proceedings of the Board upon the subject of the

Defects in Surveys.

decision petitioned against, and all evidence, documentary or other, and all remarks received by the said Board from the Arbitrators, or any of them.

45. It shall be lawful for the petitioner, at any time within the period specified in the notice provided for in Clause 38, to move the Supreme Court, without notice, for a rule to show cause why the decision complained of should not be reviewed, for the purpose of being corrected, and why the petitioner should not be adjudged to be entitled to make good his right to such specific relief as shall be set forth in such rule; and the said Court, as may to justice appertain, shall grant or refuse such rule.

Motion in Supreme Court for a rule to show cause.

46. Should the said Court see fit to grant such rule as aforesaid, it shall be served upon all such persons as the Court shall direct, and shall be returnable upon such days as the Court shall appoint, and upon such day it shall be lawful for the parties served with the same, or any of them, to appear, and upon affidavit or otherwise to show cause against such rule, and thereupon such rule shall be discharged, or amended, or made absolute, as to the said Court shall seem meet.

Service of rule upon parties.

Court may make such order as may seem meet.

47. In case the said Court shall make such rule absolute or amended as aforesaid a rule of Court, then the said Court shall direct the manner in which the matter in controversy between the applicants and the respondents shall be further investigated, and may take additional evidence, either *viva voce* or by affidavit, or may order an examination before a Commissioner appointed by such Court, and upon interrogatories framed or approved of by such Court, or may direct a Commissioner likewise so appointed to inspect the farms in question and take evidence upon the spot, and such Court shall decide whether the decision in question shall or shall not be affirmed wholly or in part.

Procedure for further investigation may be directed by Court.

Court to decide thereon.

48. As often as the Supreme Court shall refuse a rule to show cause as aforesaid, or having granted such rule shall afterwards discharge the same, or having made such rule absolute, shall ultimately affirm the decision petitioned against, then such decision shall become and be thenceforward final, binding, and conclusive.

If rule refused or discharged Board's decision to become final.

49. If in any case the Supreme Court shall see fit to correct any decision petitioned against, then the said Court shall fix by its judgment the proper position of all beacons connected with the case, and may delegate to such fit and proper person or persons as the said Court shall select the duty of placing the said beacons.

Court may fix proper position of beacons.

50. When the extent of land between recognised beacons, the position of which has been confirmed by the decision of the Arbitrators, or of the Supreme Court, shall be found to be less than the extent named in the original title, the Arbitrators or the Supreme Court shall award a proportional reduction of the quit-rent from the date of the said discovery of such deficiency; and when the extent of land between the said beacons shall be found to be greater than the extent named in the original title, such land shall not be reduced in extent, but shall be charged with an increase in quit-rent proportionate to the excess in extent so found, from the date of such excess

Reduction or increase of quit-rent when land found to be of less or greater acreage.

*Defects in Surveys.***Proviso.**

being discovered : Provided always, that any party who may have to pay or receive such compensation as aforesaid may, upon such ground alone, petition the Supreme Court against the decision of the Board of Arbitrators, in manner hereinbefore enacted.

Owners to keep up beacons erected by order of Board or Supreme Court.

51. From and after the taking effect of this Law, the owner or owners of every farm respecting which a decision shall have been given under this Law, shall be at all times bound to keep up, and in repair, the beacons adjudged by the Arbitrators or by the Supreme Court to be erected in the next succeeding clause mentioned ; and it shall be competent to the Board or the Supreme Court to determine by which of the parties interested, and within what time, the beacons shall be erected.

Dimensions and material of beacons.

52. All such beacons as are in the last preceding clause mentioned shall be not less than three feet in diameter at the base, and three feet in height, and constructed of stone.

Penalty for non-erection or dis-repair.

53. If, after the expiration of six months after any final decision in any disputed case under this Law, the beacons, being such beacons as are in the last preceding clause mentioned, shall not have been erected, the person or persons adjudged to erect them shall, on conviction before any Resident Magistrate, incur, for and in regard to each beacon not up, or not in repair, a fine not exceeding Ten Pounds, nor less than One Pound, in addition to the costs of the prosecution, which fine shall be incurred afresh for every three months, after a first conviction, during which any such beacon shall not be put up or be left out of repair.

Penalty for injury to beacons or alteration, or wrongful erection of beacons.

54. If any person, without authority of some competent Court or in pursuance of some order of the Board of Arbitrators, shall injure, or destroy, or remove, or alter any beacon erected or defined, according to the provisions of this Law, or shall erect any beacon with intent to alter the boundary line of any farm as so defined, he shall be guilty of a contravention of this Law, and upon conviction before any Resident Magistrate, shall be liable to a fine not exceeding Fifty Pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months, or to both fine and imprisonment.

Disposal of fines.

55. All fines imposed by this Law shall be paid to the Colonial Government for the public uses of the Colony.

Saving.

Vide Law of 1866.

56. Nothing in this Law contained shall be held in any wise to repeal, alter, or amend the Law, entitled Law "To remedy certain evils and inconveniences arising from the confusion of the boundaries of various blocks, lots, erven, or other subdivisions of land and of the streets and public ways within the City or Borough of Pietermartzburg, and to sanction and legalise the re-survey and general plan of such City and certain defined beacons, and for granting powers to adjudicate and settle disputes and differences thereon, and in regard to trespasses by encroachment on such lands, streets, and public ways ;" or to impair, diminish, or interfere with the powers and duties of the court or tribunal by the said Law established,

Defects in Surveys.—Ammunition.

57. Nothing in this Law contained shall apply to or in respect of any Town Lands or Commonage, or any lands situate within the limits of any Borough, Township, or Village, or to or in respect of any boundaries which are not boundaries of original grants of land.

Law not to apply to boroughs, towns, villages, or boundaries, except boundaries of original grants.

58. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 10th day of December, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 40, 1888.

(Signed) A. E. HAVELOCK.

To Amend in certain respects the Laws relating to the sale and purchase of Gunpowder and Ammunition.

WHEREAS it is desirable to afford greater facilities for obtaining the Permits, provided for under Law No. 12, 1862, for the purchase and sale within this Colony of Gunpowder, and to remove the restrictions upon obtaining empty Cartridges for sporting purposes fitted with Percussion Caps :

Preamble.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Section 11 of Law No. 12, 1862, entitled Law “To amend the Law regulating the dealing in Gunpowder,” shall be amended by the insertion therein, after the first proviso therein contained, of the following words :—Provided also, that it shall be lawful for any Resident Magistrate, in his discretion, upon the production to him of a signed written request by any person residing in the Magisterial Division for a permit to purchase and receive gunpowder, to grant any such permit as aforesaid to the person named in the request on behalf of the writer thereof : Provided further, that the person so named shall be of European race.

Proviso added to Sec. 11 of Law 12, 1862.

Permit to purchase gunpowder may be granted on production of a letter.

Proviso.

2. The Law No. 19, 1882, entitled Law “To allow the Importation, under certain restrictions, of empty Cartridge Cases fitted with Percussion Caps,” shall be, and the same is, hereby repealed.

Repeal of Law 19, 1882.

3. Nothing contained in the Laws No. 12, 1862, No. 22, 1872, and No. 7, 1877, shall be deemed to apply to empty Cartridge Cases, known as, and being for sporting purposes only, fitted with Percussion Caps.

Laws No. 12, 1862, No. 22, 1872, and No. 7, 1877, not to apply to certain cartridge cases.

Ammunition.—Land and Immigration.

Commencement
of Law.

4. This Law shall commence and take effect from and after the First day of January, 1889.

Given at Government House, Natal, this 10th day of December, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 41, 1888.

(Signed) A. E. HAVELOCK.

To make Provision for the Better Supervision and Management of Settlements established by the Land and Immigration Board.

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Land and
Immigration
Board may make
By-laws for
purposes of
settlements.

1. It shall be lawful for the Land and Immigration Board, constituted under the Law No. 21, 1876, from time to time to make, alter, and amend such By-laws as may be deemed expedient for the protection, supervision, and proper control of all commonages, roads (other than main roads), public rights of way, and general public purposes of any special settlement established by the said Board, and by such By-laws to impose penalties for any breach thereof—no such penalty exceeding Five Pounds sterling, or, in default of payment, imprisonment with or without hard labour for a period not exceeding one month. All By-laws, after being passed by the Board, shall be submitted for the approval of the Governor in Council, and if approved shall be published by the Board in the *Government Gazette*, and thereupon such By-laws shall have the force of Law.

Approval by
Governor.

Committee of
holders of
allotments.

2. It shall be lawful for the holders of allotments in any such settlement from time to time to elect any of their number as a Committee, not exceeding five, and not less than three in number, for the purpose of carrying into effect the By-laws and Regulations made under the provisions of this Law and the Law No. 5 of 1885, and for the more effectual supervision and control of all public matters in such settlement. Such election shall be made by a majority of votes at a meeting at which not less than one-half of the holders of allotments shall be present. Every Committee so elected shall exercise the powers and authority of the said Board within such settlement, and may sue on behalf of the Board for all water rates

Powers of
Committee.

Land and Immigration.

and other rates, and for all penalties for contraventions of the aforesaid By-laws and Regulations: Provided that every Committee in exercising the aforesaid powers and authority shall conform to all orders and directions made by the said Board. Every member of such Committee shall hold office for two years from the time of his election, unless vacated by death or resignation. Any member shall be deemed to have resigned who shall have removed his domicile from the settlement. At any time when a vacancy shall occur as aforesaid, such vacancy may be filled by an election in the manner prescribed for the election of a Committee, and any member so elected may hold office until two years from the date of the election of the Committee: Provided also that all rates shall be levied only after reference to and consent of the Committee elected under this Law.

Vacancies.

Rates.

3. Every Committee appointed under the provisions of the foregoing section shall be trustees of all lands reserved for the public purposes of the settlement, and shall have the control and management thereof, and shall be empowered to make and enforce regulations, to be approved by the said Board, for compelling the proper use of the said lands according to the purpose for which the same have been reserved, and for imposing a penalty not exceeding Three Pounds sterling for any breach of such Regulations.

Committee to be trustees of lands reserved for public purposes.

4. In any settlement in which no such Committee as aforesaid shall have been elected it shall be lawful for the said Board to appoint an officer or officers who shall until the election of a Committee have and exercise all the powers and authority conferred upon such a Committee by the second and third sections of this Law.

Appointment of officer when no committee elected.

5. All prosecutions for contraventions of By-laws or Regulations made under the provisions of this Law shall be prosecuted in the Court of the Resident Magistrate having jurisdiction.

Prosecutions.

6. All penalties recovered under the provisions of this Law or of the Law No. 5, 1885, and all water or other rates, shall be paid to the Secretary of the Land and Immigration Board, and shall be placed by him to the credit of the Land and European Immigration Fund, and may be disbursed and applied to the purposes of the settlement from which the same were received, on the application of the officers or trustees aforesaid, and in the manner provided in the 19th Section of the Law No. 21, 1876.

Disposal of penalties and rates.

Vide Laws 5, 1885, and 21, 1876.

7. So soon as the settlers residing on any settlement shall have received the titles to their land, then the powers conferred by this Law shall thereupon cease and determine.

Termination of powers under this Law.

Given at Government House, Natal, this 10th day of December, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

Transfer of Reserve Land.

LAW No. 42, 1888.

(Signed) A. E. HAVELOCK.

To enable the Government of Natal and the Town Council of the Borough of Durban to enter into an agreement for the transfer to the said Town Council upon certain conditions of the rights of the Government in and to a certain strip of land situate within the said Borough and abutting on the Bay of Natal, bounded on the Eastward by Addington, and Westward by the Umbilo River, and known as the Government Reserve, or as the Admiralty Reserve, and hereafter referred to as the Reserve.

Preamble.

WHEREAS by deed of grant or of transfer, dated the 27th day of July, 1855, the lands thereby granted or transferred to the Mayor, Councillors, and Burgesses of the Borough of Durban are expressed to be bounded in one direction by the Harbour of Natal, and by the same deed it is provided: "Servitudes allowed herewith of right of way and of drainage over and through the Government Reserve facing the Bay":

And whereas the said Reserve abuts on the Harbour of Natal:

And whereas doubts have arisen whether the legal title of the said Reserve vests in the Government of Natal or in the Mayor, Councillors, and Burgesses of the Borough of Durban, or in both:

And whereas certain of the registered proprietors of freehold lots abutting on the Reserve, assert certain claims in and to portions of the Reserve in front of their respective lots, and said claims are not admitted by the Government or by the Mayor, Councillors, and Burgesses of the Borough of Durban:

And whereas by reason of such disputed claims, and of the doubts as to the several rights of the Government and of the Mayor, Councillors, and Burgesses of the Borough of Durban, and of the said proprietors, in and to the Reserve, the said piece of land is uncared for and neglected:

And whereas the present Bay boundary of the said Reserve is the fluctuating line of high-water mark:

And whereas it is expedient to enable the Government to enter into a contract with the Town Council of Durban for the acquisition by the Mayor, Councillors, and Burgesses of the Borough of Durban of all the rights of the Government in and to the said Reserve, subject to any such claims by the said registered proprietors of freehold lots as may be established, and also to provide for a fixed boundary on the Bayside of the said piece of land:

Be it therefore enacted by the Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. The Government of Natal may agree with the Town Council of the Borough of Durban for the transfer to the Mayor, Councillors, and Burgesses of the Borough of Durban of all the rights of the Natal Government in the said Reserve.

Rights of Government in the Reserve may be transferred to Council and Burgesses of Durban.

Transfer of Reserve Land.—Natal Bank.

2. Such transfer as is referred to in Clause 1 shall in no way prejudice or injuriously affect nor admit any claim by any person to the exclusive use of any portion of the Reserve.

Private claims not affected.

3. In case of such transfer as is in Clause 1 mentioned the Government of Natal shall be held harmless and indemnified out of the Borough Fund of the Borough of Durban in respect of any, and all costs, charges, and expenses, which the Natal Government may incur, sustain, or be put to by any action directed against the Natal Government by any person, or persons, who may establish claim, or claims, against the Government to the exclusive use of any portion of the Reserve.

Indemnification of Government by Borough of Durban after transfer.

4. Prior to any such agreement between the Government and the Town Council a fixed boundary on the Bayside of the Reserve shall be agreed to by the Town Council and the Natal Harbour Board, and failing such last-mentioned agreement, such fixed boundary may be determined by the Colonial Engineer, and laid down by the Surveyor-General in the plans of the Borough of Durban and of the Bay of Natal.

Bayside boundary of Reserve to be fixed.

5. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, Natal, this 10th day of December, 1888.

By command of His Excellency the Governor,

(Signed) F. S. HADEN,
Colonial Secretary.

LAW No. 43, 1888.

(Signed) A. E. HAVELOCK.

To Amend the Laws relating to the Natal Bank, and to continue the incorporation of the same under the title of The Natal Bank (Limited).

WHEREAS it is desirable that authority be given to increase the capital of the Natal Bank, and to continue the incorporation of the said Natal Bank under the title of The Natal Bank (Limited):

Preamble.

And whereas it is desirable to amend and consolidate the several provisions of the "Natal Bank Laws, 1875 and 1885":

Be it therefore enacted by the Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Law No. 18 of 1875, entitled "Law to amalgamate with certain necessary corrections the Laws Nos. 9, 1874, and 1, 1875, relating to the Natal Bank," and the Law No. 28, of 1885, entitled "Law to amend the Natal Bank Law, 1875," shall be, and the same are hereby repealed, subject, however, to such reservations and provisions as are hereinafter contained.

Repeal of Laws 18, 1875, and 28, 1885.

Natal Bank.

Incorporation of
The Natal Bank.

2. The Joint Stock Company at present carrying on business as Bankers at Pietermaritzburg, and other places in the Colony of Natal, and elsewhere in South Africa, under the name, style, or title of "The Natal Bank," shall be, and the same is hereby continued to be incorporated, and is declared to be a body corporate with limited liability, and as such shall have perpetual succession, and shall have and use a common seal with the name of the Company thereon. The said Company shall henceforth be called, designated, and known under the name, style, or title of The Natal Bank (Limited), with the powers hereinafter provided.

To be styled
The Natal Bank
(Limited).

Officers and
servants con-
tinued in their
offices and
employments.

3. All Directors and other officers and servants of the Natal Bank, who were in office immediately before the passing of this Law, shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same, or be removed therefrom by The Natal Bank (Limited), and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever, as if they had been appointed under this Law.

Previously
existing debts,
obligations, &c.,
not affected by
this Law.

4. The provisions of this Law shall not affect or prejudice any debts, liabilities, obligations, or contracts incurred or entered into by, to, with, or on behalf of the Natal Bank, and shall not affect or prejudice the liability of The Natal Bank (Limited), to have enforced against it or its rights to enforce any debt or obligation incurred, or any contract entered into by, to, with, or on behalf of the Natal Bank previously to the passing of this Law.

Vide Law No.
18, 1875.

5. And whereas the subscribed capital of the Natal Bank at the present time is a sum of Three Hundred Thousand Pounds sterling, composed as follows :—Of 25,884 shares of Five Pounds sterling each, upon each of which the said sum of Five Pounds sterling has been paid up ; and of 84,116 shares of Five Pounds sterling each, upon each of which the sum of One Pound sterling has been paid up, and a further sum of Four Pounds can be called up at any time at the discretion of the Board of Directors : And whereas, under and by virtue of the provisions of the Natal Bank Law, 1875, the proprietor or holder of each Five Pound share, upon which the full amount of Five Pounds sterling has been paid up, is liable, in the event of the Natal Bank becoming bankrupt or insolvent, to contribute a further sum of not exceeding Five Pounds sterling per share towards the payment of the losses, debts, and liabilities of the said Bank : And whereas it is also provided that the liability of any proprietor or holder of shares upon which the amount of Five Pounds sterling has not been paid up to pay any instalment or call now due or made, or hereafter to be made, until the sum of Five Pounds sterling be paid upon such share, shall in no way be diminished or affected : And whereas it is desirable to alter the denomination of the said shares, and to increase the nominal amount of the Capital of the Natal Bank (Limited) by increasing the nominal amount of each of its shares from a sum of Five Pounds sterling to Ten Pounds

Natal Bank.

sterling : Be it therefore enacted as follows :—The Capital of the Natal Bank (Limited) shall be Two Million Pounds sterling, consisting :

Capital of Bank to be £2,000,000, consisting of—

- (1.) Of the present subscribed capital of £800,000, divided into 60,000 shares of £5 each, upon all of which, when the amount of £5 has been fully paid up, an additional sum of not exceeding £5 is payable in the event of the Bank becoming bankrupt or insolvent, thus representing an amount of £600,000.

(1) Present subscribed capital of £800,000, in £5 shares, representing, with additional liability, £600,000.

- (2.) Of an additional capital of £1,400,000 to be divided into 140,000 shares of £10 each : Provided always that no greater sum than £5 shall be capable of being called up upon any of such shares, except in the event of and for the purposes of the Natal Bank (Limited), being wound up.

(2) Additional capital of £140,000, in £10 shares, of which not more than £5 a share to be called up, except on winding-up.

The additional capital above mentioned shall be raised in manner hereinafter mentioned, and the provisions of this Law shall apply to the new capital in the same manner in all respects as to the original capital of the Company.

6. The Directors of the Natal Bank (Limited) may from time to time create and issue such number of additional shares, not exceeding 140,000 in the aggregate of the nominal value of £10 each, as they shall deem advisable.

Creation of additional shares

The new shares shall be issued upon such terms and conditions as the directors shall determine : Provided that no greater sum than £5 shall be capable of being called up upon each £10 share, except in the event of and for the purposes of the Bank being wound up.

Conditions of issue.
Vide Law 18, 1889.

The new shares so issued may be sold and disposed of at a fixed price, or by tender, and in either case the Directors may make regulations respecting the same as to the payment of the instalments thereon, and as to the levy and payment of calls thereon as they may deem advisable.

Sale of new shares.

Notice of any determination to issue new shares, and of the terms, conditions, and regulations of such issue, shall be given by the Directors, by notice published in the *Natal Government Gazette*, and such other newspapers, whether published in the Colony of Natal or elsewhere, as the Directors may deem advisable. Such notice shall be first published at least three months before the date upon which applications shall be received for such new shares : Provided that when such shares shall be sold at a fixed price, the proprietors of this Bank for the time being shall have the option of purchasing them in preference and to the exclusion of non-proprietors, in the first instance *pro rata* to the number of shares they then hold : Provided, nevertheless, that it shall and may be lawful for the Directors, at a Board at which two-thirds of the Directors shall be present, from time to time to cancel the creation of any such additional shares which shall not have been subscribed for within six months

Notification of issue.

Option of proprietors to purchase.

Cancellation of creation if shares not subscribed within six months.

Natal Bank.

from the date of their creation, and of such cancellation they shall give due notice, or to alter the terms and regulations under and subject to which the same shall have been offered for sale, and of such altered terms and regulations they shall give notice as is provided in respect to the original terms and regulations, and such capital, with the capital already subscribed for, shall not exceed the sum of £2,000,000, and the shares and subscriptions which may constitute the same shall be subject in every respect to the same conditions and regulations as those applying to the original capital: Provided, that when tenders are invited for shares, the minimum price that will be accepted for such shares shall be stated in the advertisement.

Repeal of former Laws not to affect validity of certificates, sales, &c., already made.

7. Notwithstanding the repeal of the Laws Nos. 18, 1875, and 28, 1885, all certificates of shares (until cancelled under the powers of this Law), sales, transfers, and dispositions heretofore made or executed under them, for and with respect to any shares in the Natal Bank, shall remain in full force and continue, and be available in all respects as if the title and designation of the Bank had not been altered to The Natal Bank (Limited).

Natal Bank share register to be register of The Natal Bank (Limited).

8. The books kept by the Natal Bank for entering the names and designations of the shareholders thereof, with the number of their shares and the proper distinguishing number of such shares shall, and may continue to be kept for the same purpose by The Natal Bank (Limited), and shall until some other register of shareholders shall be provided, be taken and considered as the register of shareholders required to be kept by The Natal Bank (Limited) under the provisions of this Law.

Issue of new certificates.

9. The Natal Bank (Limited) may call in and cancel the existing certificates of shares, of £5 each, in the Natal Bank, and shall thereupon issue, in lieu thereof, certificates of shares of £10 each: Provided that no part of the increased capital shall be capable of being called up, except in the event of and for the purposes of the Bank being wound up.

Shareholders may request exchange of £5 share certificates for £10 share certificates.

10. Any existing shareholder may request that his certificates of shares of £5 each may be exchanged for certificates of shares of £10 each, upon which no greater sum than £5 shall be capable of being called up, except in the event of and for the purposes of the Bank being wound up. But the holders of such existing certificates of shares shall not be entitled to any certificates under this Law until they shall have delivered up to the Company, to be cancelled, the certificates of shares issued to them before the passing of this Law, or shall have proved to the satisfaction of the Company the loss or destruction thereof.

Stamp Duty on certificates to be borne by Bank, as also other expenses.

11. The Stamp Duty on every certificate of shares in the Natal Bank (Limited) issued in lieu of any existing certificate of shares in the Natal Bank, and all other expenses of or incident to its issue, shall be borne by the Natal Bank (Limited).

When shares may be declared forfeited.

12. In case any person who shall have agreed to subscribe for one or more share or shares in the capital funds of the Bank shall fail to pay any or either of the instalments on any such share or

Natal Bank.

shares for the space of one calendar month after the same shall have become payable, it shall and may be lawful for the Directors for the time being of this Bank, if they shall see fit, to declare, by resolution, such share or shares to be forfeited; and the same shall be thereupon forfeited accordingly. And it shall and may be lawful for the said Directors to create new shares in lieu of such forfeited shares, and to sell and dispose of the same to any other person or persons: Provided, however, that nothing herein contained shall prevent the said Directors from bringing and maintaining their action against any proprietor failing to pay as aforesaid, if the said Directors shall think fit to do so, instead of declaring his share or shares to be forfeited as aforesaid: Provided that no share shall vest in the said Company until notice thereof has been given to the person, or to the clerk or other officer, of any body politic in whose name such share stands in the register book, the same to be left at the place, or the last known place, of abode of the party, thirty days, at least, previous to such vesting; and in case the place of abode be unknown, then the notice shall be published twice in the *Government Gazette*, and in such newspapers as the Directors direct.

13. The Directors shall cause to be kept in one or more books a register of all the proprietors of shares in the capital funds of this Bank, and there shall be entered therein the following particulars:—

Register of proprietors.

- (a) The names, addresses, and the occupations, if any, of all the proprietors of shares: The number of shares held by each proprietor, distinguishing each share by its number: The amount paid on the shares of each proprietor.
- (b) The date at which the name of any person was entered in the register as a proprietor of shares.
- (c) The date at which any person ceased to be a proprietor.

And a list of such proprietors of shares, with the number of shares held by them respectively, shall be made up and completed four times in each and every year within seven days after the last days of the respective months of March, June, September, and December, And each such list, when so made up and completed, shall be and remain exposed at the Head Office of the said Bank in Pietermaritzburg, and thereafter with all convenient despatch at all the branches thereof, until such time as it is replaced by the next succeeding quarterly list.

14. A certificate signed by any three of the Directors and countersigned by the Manager, or some other person appointed by the Directors, specifying any share or shares held by any proprietor, shall, when delivered to such proprietor of shares, be *prima facie* evidence of the title of the proprietor to the share or shares therein specified. Every proprietor shall be entitled to one certificate for any shares upon which the sum of Five Pounds has been paid up, and one for any shares upon which a smaller sum has been paid up, registered in his name, or to several certificates each for a part of such shares. Every certificate of shares shall specify the respective

Share certificates
prima facie
evidence of title.

Natal Bank.

Exchange of
existing for new
certificates.
Vide Laws 18,
1874, and 28,
1888.

Issue of new
certificates for
defaced or lost
certificates.

Branch register
of proprietors
resident in
United Kingdom

Disposal and
transfer of
shares.

register numbers of the shares in respect of which it is issued, and the amount paid up thereon. Each proprietor of shares shall be entitled to claim that the share certificates now issued under the "Natal Bank Laws, 1875 and 1885," and now held by him, shall be exchanged for one or more certificates as above provided for. A sum of not exceeding Two Shillings and Sixpence shall be paid to the Bank for every certificate to be issued.

15. If any certificate be worn out or defaced, then, upon production thereof to the Directors, they may order the same to be cancelled, and may issue a new certificate in lieu thereof; and if any certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the Directors, and on such indemnity as the Directors deem adequate, being given, a new certificate in lieu thereof shall be given to the party entitled to such lost or destroyed certificate. And for every such certificate a sum of not exceeding Two Shillings and Sixpence shall be paid to the Bank.

16. The Natal Bank may cause to be kept in London a branch register of proprietors resident in the United Kingdom of Great Britain and Ireland. And the Directors may from time to time appoint an authority in London to approve of or reject transfers and to direct the registration of approved transfers in the branch register in London, and every such authority may in respect of transfers or other entries proposed to be registered in the branch register for which such authority is appointed, exercise all the powers of the Directors in the same manner and to the same extent and effect as if the Directors themselves were actually present in London and exercised the same. The authority so appointed shall transmit to the Head Office in Pietermaritzburg a copy of every entry in the said branch register as soon as may be after such entry is made, and the Natal Bank shall cause to be kept at its Head Office, duly entered up from time to time, a duplicate of the said branch register. The shares registered in such branch register shall be distinguished from the shares registered in the principal register; and no transaction with respect to any shares registered in the branch register shall, during the continuance of the registration of such shares in such branch register, be registered in the principal register. The Natal Bank may discontinue to keep such branch register, and thereupon all entries in that register shall be transferred to the register of proprietors kept at the Head Office in Pietermaritzburg.

17. The proprietor of any share or shares in the capital funds of The Natal Bank (Limited) may sell and dispose of the same, and assign and transfer his right, title, and interest in the same by executing an instrument of transfer in a form to be approved by the Directors, and to be signed both by the transferor and transferee, and the transferor shall be deemed to remain the holder of such share until the name of the transferee is entered in the register thereof. Every instrument of transfer shall be left at the Head Office of the Bank in Pietermaritzburg for registration, accompanied by the certificates of the shares to be transferred, and such other evidence as the Directors may require to prove the title of the transferor or his right

Natal Bank.

to transfer the shares. The Directors may decline, at their absolute discretion, to register any transfer of shares without assigning any reason therefor. All instruments of transfer which shall be registered shall be retained by the Bank ; but any instrument of transfer which the Directors may decline to register, shall be returned to the person depositing the same. The Directors shall, in the case of all transfers approved, cause the transferor's certificates of shares so transferred to be cancelled, and such new certificate or certificates of shares to be issued to the transferor and transferee, or either of them, as may, under the provisions of this Law, be requisite. A fee not exceeding Two Shillings and Sixpence may be charged for each certificate, and shall, if required by the Directors, be paid before the registration of any transfer. The transfer-books may be closed during such time as the Directors think fit, not exceeding in the whole thirty days, immediately preceding the ordinary general meeting in each year.

18. In case any proprietor, wherever resident, of any share or shares in the capital funds of this Bank shall assign or surrender his estate for the benefit of his creditors, or shall have his estate sequestrated by the order of any competent Court, or shall die, the trustee or assignee appointed under such assignment or sequestration, or the executor or administrator of such deceased shareholder, shall not as such be permitted to become a proprietor in this Bank ; but such trustee, assignee, executor, or administrator shall sell, dispose of, or transfer the said share or shares of the proprietor whose estate shall have been assigned, surrendered, or sequestrated, or who shall have died as aforesaid, within twelve months from the date of his election in the case of any trustee or assignee, and within twelve months from the death of any such proprietor in the case of any executor or administrator, subject to the regulations and conditions hereinafter contained as to the transfer of shares ; and no transfer thereof shall be valid unless approved by the Directors : And in default of such sale, disposal, or transfer, such share or shares may, in the discretion of the Directors, immediately upon the expiration of the said period of twelve months, be forfeited and cancelled, and new shares may be created in lieu thereof, which new shares, when created, shall be sold for the benefit of the estate of such assignor, insolvent, or deceased person, and the nett proceeds held at the disposal of any person legally entitled thereto : And provided also that no dividend which shall become due on any such share or shares, after the title of such trustee, assignee, executor, or administrator shall have accrued, shall be payable to, or demandable by him, but shall, till some person shall have become a shareholder of the Bank in respect of the same shares, remain in suspense, and shall not be paid till the transfer thereof shall be completed, and the new holder thereof shall claim the same, and shall be then payable without interest to such new shareholder: Provided, however, that the provisions of this section shall not apply to the share or shares of any deceased person who shall have died prior to the coming into effect of the Law No. 28 of 1885, known as the "Natal Bank Law Amendment Law, 1885,"

Provision in case of insolvency or death of a proprietor for disposal of shares.

Proviso.

Vide Law 28, 1885.

Natal Bank.

Payment of dividends to married women.

19. Any married woman, in whose sole name, as proprietor thereof, any shares in The Natal Bank (Limited) shall be registered, is hereby authorised and empowered to receive the dividends and profits accruing due and payable in respect of such shares, without the concurrence of her husband, and her receipt for such dividend or profits shall be a full and sufficient discharge to the Natal Bank and Directors, Manager, and Officers thereof.

Minors.

20. No minor shall be permitted to become the proprietor of any share in the capital funds of this Bank, and any person who shall become the holder of any share or shares as guardian or trustee for any minor shall be personally liable to pay any calls or claims which may accrue on account thereof, so long as the person for whom he shall hold the same shall remain under age.

Joint ownership.

21. If any share shall stand in the names of two or more persons, the person first named in the register may, at the option of the Directors be—as regards voting at meetings, receipt of dividends, services of notices, and all or any other matters connected with the Bank, except the transfer of the share—deemed the sole holder thereof.

Shareholder having transferred his shares discharged from further liability.

22. Every shareholder whose share or shares in the capital funds of The Natal Bank (Limited) shall have been transferred to any other person under the provisions of this Law, shall be released and discharged, as between himself and the other shareholders, from all and every liability, claim, and demand whatsoever to which he would have been liable in respect of such share or shares in case such share or shares had not been transferred.

Indemnification by purchaser of seller.

23. All purchasers and transferees of shares in this Bank shall save harmless and keep indemnified the person or persons from whom they shall have purchased or obtained the same from all liability, loss, costs, damages, and expenses in respect thereof in the event of The Natal Bank (Limited) being wound up, unless such purchaser can prove any fraud or misrepresentation on the part of the seller, by means of which he was induced to become the purchaser thereof as aforesaid.

No person to hold shares to a larger amount than one-twentieth of the entire capital.

24. No person shall in his own right possess or hold shares in the capital funds of this Bank to a larger amount in respect to the subscribed value than one-twentieth of the entire capital, except the excess shall have accrued to him by marriage, inheritance, or bequest.

Property of The Natal Bank vested in Board of Directors of The Natal Bank (Limited).

25. All property of every description, movable and immovable, all lands, tenements, hereditaments, moneys, credits, goods, chattels, effects, securities for money, obligatory instruments, and evidences or muniments, and all other effects whatsoever belonging to or had by the Natal Bank, or by trustees thereof, or by the Chairman and Directors of the said Natal Bank, or by the proprietors thereof for any purpose, or for any trust whatsoever, shall from and after the commencement of this Law, without any assignment or conveyance, become vested in the Board of Directors of The Natal Bank (Limited), for the time being, to be by them held and enjoyed, dealt with, and disposed of by the said Directors as they shall think fit,

Natal Bank.

and shall for all purposes of action or suit at law, or in equity, subject to the equities affecting the same, be deemed and taken to be the property of The Natal Bank (Limited).

26. All persons who may be indebted to the Natal Bank or to the Trustees, Chairman, and Directors thereof, at or prior to the commencement of this Law, in any sum or sums of money on account of the said Bank, shall pay the same to the Natal Bank (Limited). All contracts, agreements, bonds, covenants and securities, made and entered into with the said Natal Bank, or the Trustees, Chairman, Directors, or Manager thereof, may be proceeded on and enforced by the Natal Bank (Limited), as if the same had been entered into with such Bank.

Debts due to, and contracts, bonds, &c., with Natal Bank payable to, and enforceable by, The Natal Bank (Limited).

27. All moneys due and owing by the Natal Bank, or the Chairman and Directors thereof, on behalf of the said Bank, at the time of the commencement of this Law, shall be paid by or recoverable from The Natal Bank (Limited).

The Natal Bank (Limited) liable for debts of Natal Bank.

28. All cash, money, bills, notes, cheques, drafts, or other valuable securities which shall hereafter be received from the depositors of The Natal Bank (Limited), or any other person or persons, according to the provisions of this Law, shall vest in the Board of Directors.

Deposits vested in the Board of Directors.

29. The head office, or place of business, of The Natal Bank (Limited) shall be in Pietermaritzburg.

Head Office in Pietermaritzburg.

30. The business of The Natal Bank (Limited), whether carried on at the head office in Pietermaritzburg, or at the several branches or agencies of the said Bank already established, or hereafter to be established in pursuance of this Law, shall be exclusively confined to banking in all its branches, and shall consist in particular in the keeping of cash accounts and receiving moneys, securities and valuables on deposit, or for safe custody; in the issuing and circulating promissory or bank-notes, payable in specie to the bearer on demand, at the office from which they may have been issued; in the lending of money with or without security on cash or other accounts; in the purchasing or discounting of, and dealing in, bills of exchange, acceptances, promissory notes, letters of credit, drafts, bonds, and other negotiable securities, public or private; in the purchase of, dealing in, or making advances upon, bullion, specie, coin, gold nuggets, gold dust, diamonds and precious stones, and generally in transacting all such agency and other business as is usually transacted by banking establishments and concerns in the United Kingdom or in British possessions, and as may be consistent with the laws now or hereafter to be in force concerning banking companies. The said Company shall not invest, lay out, employ, or advance money on security of lands, or houses, or ships, or on pledge of merchandise, nor purchase nor hold land nor houses nor other real property whatsoever, except for the transaction of its business, nor own ships, or be engaged or concerned in any manner of trade, except as dealers in bullion, specie, coin, gold nuggets, gold dust, diamonds, and precious stones, or bills of exchange; and shall confine its transactions to legitimate banking business in all the various branches thereof.

Business to be confined to banking.

Natal Bank.

No loan to be made on security of shares.

The Company shall not lend or advance money to any shareholder on the security of any shares which he may hold or possess in the capital funds of the Bank, nor hold, except as herein provided, shares in its own stock. The Company may, however, accept or hold lands, or houses, or ships, or shares in its capital or other real or personal property in, or towards, satisfaction, liquidation of, or as a security for any debt *bona fide* previously due and owing to the Company, or as a security for payment of any sum for which any person may have rendered himself liable to the Company, and hold, maintain, improve, and deal with them for such reasonable time as, in the opinion of the Directors, may be necessary and expedient to dispose of and convert the same into money; and also to sell, dispose of, and convert the same into money; and in no case whatever shall the said Company engage or be concerned in any other description of trade or mercantile business whatever.

Bank may sue and be sued in the name of the General Manager.

31. The Natal Bank (Limited) may sue and be sued in the name of its General Manager, in all courts, whether of law or equity; and in all cases where it is necessary to serve any writ, summons, citation, declaration, notice, or other proceeding upon the said Bank, service, personally on the General Manager, at the head office of the Bank, in Pietermaritzburg, or by leaving such writ, summons, citation, declaration, notice, or other proceeding at the said head office, shall be and be deemed to be good and sufficient service.

Suits not abated by change of officers

32. No suit or action, instituted by or against the Natal Bank (Limited) shall abate by reason of any change in the officers of the said Bank, or of any of the persons for the time being filling the office or discharging the duties of the respective offices of Chairman of the Board of Directors, or of a Director of the said Bank, or of its General Manager, or of any other office created under and by virtue of the provisions of this Law.

Bank may be described in actions as The Natal Bank (Limited).

33. In all actions, civil or criminal, in any and every court relative to any property, moveable or immovable, of the said Bank, it shall be sufficient to describe the same as the property of The Natal Bank (Limited).

Partnership no bar to suits by or against shareholders.

34. In all actions, suits, or other proceedings at law, brought, commenced, carried on, and prosecuted by The Natal Bank (Limited) against any shareholder or shareholders thereof, and in all actions, suits, or other proceedings at law, brought, commenced, carried on, and prosecuted by any shareholder or shareholders against the Natal Bank (Limited), the partnership hereby established shall form no bar to such action, suit, or other legal proceeding being carried on and proceeded in.

Issue of notes.

35. The Directors at their discretion may from time to time cause to be issued promissory notes, bearing date at the place of issue, and payable on demand there in British sterling money, or the equivalent thereof in the local currency at the place of date. Any such promissory notes shall be numbered in numerical progression, and be signed by such number of the Directors or other officers of this Bank as the

Natal Bank.

Directors shall from time to time appoint; and the numbers and particulars of all notes issued shall be entered into a book to be kept for that purpose.

36. All promissory or bank notes issued and circulated by The Natal Bank (Limited), whether issued from the head office or from any branch office, shall bear date at the place of issue, and shall be payable on demand in British sterling money, or the equivalent thereof in the local currency at the place of date. No such promissory or bank note shall be issued for a sum under One Pound sterling, or the equivalent thereof in the local currency of the place of date, nor for any amount in which a fractional part of a Pound sterling is included. The total amount of the promissory or bank notes payable on demand so issued and circulated by The Natal Bank (Limited) shall not at any time exceed the amount of the paid-up capital of the Bank. Specie equal to at least one-third in value of the promissory or bank notes from time to time in circulation, shall always be retained in the coffers of the Bank at the office where they are respectively made payable.

Date of notes.

Payment.

Amounts of each

Total amount of notes.

Specie to be kept equal to one-third the value of notes issued.

37. The Natal Bank (Limited) shall not be entitled to limited liability in respect of its notes, and the members thereof shall continue liable in respect of its notes in the same manner as if it were incorporated as a company with unlimited liability; but in case the general assets of the Bank are, in the event of The Natal Bank (Limited) being wound up, insufficient to satisfy the claims of both the note holders and the general creditors, then the members, after satisfying the remaining demands of the note holders, shall be liable to contribute towards payment of the debts of the general creditors a sum equal to the amount received by the note holders out of the general assets of the Company. For the purposes of this section, the expression "the general assets of the Company" means the funds available for payment of the general creditor as well as the note holder. It shall be lawful for the Directors of The Natal Bank (Limited), in their discretion, to make a statement on its notes to the effect that the limited liability does not extend to its notes, and that the members of the Company continue liable in respect of its notes in the same manner as if it were incorporated as a Company with unlimited liability.

Liability of members in respect of notes.

38. The said Natal Bank (Limited) may make, accept, indorse, and execute promissory notes, bills of exchange, and such deeds, bonds, or other notes and negotiable securities as may be requisite, provided that every such promissory note, bill of exchange, deed, bond, or other note or negotiable security, shall be signed by such person or persons as the Directors shall by any resolution or minute, to be entered in their books of proceedings, authorise in that behalf; and any such promissory notes, bills of exchange, deeds, bonds or other notes and negotiable securities, signed and executed by such person or persons authorised as aforesaid shall be valid in Law, and shall be binding on the said Natal Bank (Limited), and the proprietors thereof.

Bills of exchange, promissory notes, bonds, and negotiable securities.

Natal Bank.

Discounts or advances on securities of a Director or officer not to exceed one-fifth of total discounts and advances.

Bank not to hold or make advances on its own stock.

Liabilities not to exceed three times the paid-up capital.

List of proprietors to be furnished to general meetings

Quorum of general meetings

Annual general meeting.

Election of Directors and Auditors.

39. The discounts or advances by The Natal Bank (Limited) on securities bearing the name of any Director or officer thereof as drawer, acceptor, or endorser, shall not at any one time exceed one-fifth of the total advances and discounts of the said Bank.

40. The Natal Bank (Limited) shall not hold shares in its own capital stock, nor shall it make advances on the security of such shares.

41. The total amount of the debts and liabilities of The Natal Bank (Limited), whether upon bonds, bills, promissory notes, or otherwise contracted over and above the amount of deposits on banking accounts with the Bank's establishments shall not at any time exceed three times the amount of the capital stock subscribed and actually paid up.

42. The General Manager for the time being of this Bank shall, previous to the commencement of business at any annual or special general meeting of the shareholders of The Natal Bank (Limited), hand in to and place upon the table of such meeting a list of the proprietors of a share or shares in the Capital funds of the said Bank, stating the number of shares held by each shareholder and the number of votes which each such shareholder shall, under the provisions of this Law, be entitled to give at such meeting in respect thereof.

43. Five members, personally present, shall be a quorum at a general meeting for the purpose of nominating if necessary a chairman of the meeting, of hearing a declaration of a dividend determined upon by the Directors, of electing Auditors and Directors, but save as aforesaid no business shall be transacted at any general meeting unless there be ten members personally present.

44. A general meeting of the shareholders of this Bank shall be held on the second Thursday in February in each and every year. At each such annual meeting the Directors shall lay before the shareholders a duly audited statement of the accounts, and a report of the general state of the affairs of the Bank, and of the profits made during the year ending on the previous 31st December; such accounts and report shall be signed by the Chairman of the Board of Directors, and the Directors shall also, if the payment of a dividend has been determined upon by them, as provided by this Law, thereupon declare the amount of dividend so determined upon. At each such annual meeting it shall be the duty of the shareholders to elect two Directors in the room of those who then retire by rotation under the provisions of this Law, and also to elect such one or more additional Directors as may be necessary to fill up any vacancy which may have taken place upon the Board of Directors during the preceding year, and also to elect one or two Auditors as may be required under the provisions of this Law. Such further and other business only shall be transacted, and such purpose or purposes only shall be carried out as shall have been particularly specified in the notice of such yearly general meeting.

Natal Bank.

45. Twice at the least in every year the accounts of The Natal Bank (Limited) shall be examined by an auditor or auditors, two of whom shall be elected by the Company at the Annual General Meeting held on the second Thursday in February in each and every year, and in the same manner as is provided for the election of Directors : Provided, however, that so long as the Government of the Colony of Natal continues to use The Natal Bank (Limited) for the deposit of its surplus funds, one of the said two auditors shall be appointed by the Governor in Council and one only chosen by the shareholders.

Audit.

A Director or officer of the Company shall not be capable of being elected or appointed an auditor thereof.

No Director or
officer to be an
auditor.
Retirement.

An Auditor shall hold office until the appointment of his successor, and on quitting office shall be re-eligible.

If any casual vacancy occurs in the office of any auditor, the surviving auditor, if any, may act until the election or appointment of an auditor to fill such vacancy. But if there is no surviving auditor the Directors shall forthwith call a special general meeting for the purpose of supplying the vacancy or vacancies in the auditorship.

Casual vacancy
in auditorship.

The auditors shall at all reasonable times have access to the cash, books, vouchers, securities, and accounts of the Bank, and any auditor may, in relation to such cash, books, vouchers, securities and accounts, examine the directors, or any other officer of the Company : Provided that as to the branch banks and agencies it shall be sufficient if the auditors are allowed access to such copies of, and extracts from, the books and accounts of any such branch or agency as may have been transmitted to the Head Office of the Company at Pietermaritzburg.

Facilities to be
given for audit.

The auditors shall audit, balance, and check the statements and accounts, and shall make a report to the shareholders on the accounts examined by them, and on every balance-sheet laid before the Company in general meeting during their tenure of office, and in every such report, shall state whether in their opinion the balance-sheet referred to in the report is a full and fair balance-sheet properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs as shown by the books of the Company, and such statement of accounts duly audited, and such report shall be read before the Company at the Annual General Meeting held on the second Thursday in February in each year.

Auditors' reports

The remuneration of each auditor shall be a sum of not less than Fifty Pounds sterling per annum, and such remuneration may be fixed by the Annual General Meeting, and shall be paid by the Company.

Remuneration of
auditors.

Every balance-sheet submitted to the annual or other meeting of the shareholders of this Bank shall be signed by the Auditor or Auditors, and by the Chairman for and on behalf of the Directors of the Bank, and by the General Manager.

Balance-sheet to
be signed by
auditors and
Chairman.

46. All motions, questions, propositions and resolutions of the shareholders of this Bank at any general meeting, whether annual or special, shall be determined by a shown of hands of the shareholders

Voting at
general meeting.

Natal Bank.

Subject of a resolution not to be again discussed within a year, except as set forth.

present at the time the show of hands is taken : Provided that it shall be lawful for any shareholders not being fewer than three in number, and holding in the aggregate not less than two hundred shares, to demand a ballot, when the votes shall be taken according to the number of votes each shareholder present or represented by proxy may, under the provisions in this Law contained, be entitled to give. And whatever resolution shall be carried or negatived by the largest show of hands, or by a majority of votes so taken as aforesaid, and certified in writing by scrutineers appointed to examine and report the votes so taken by the meeting, at which the resolution in question shall be decided on, shall be binding upon every shareholder and Director of this Bank, and the same matter or question shall not again be proposed or discussed at any such meeting at any time within a twelvemonth from the date of such decision unless upon the requisition of shareholders of this Bank, representing one-fourth of the paid up capital funds thereof.

Declaration of result of vote.

47. At any general meeting, whether annual or special, unless a ballot is demanded under the provisions of this Law, a declaration by the Chairman that a resolution has been carried, or carried by a particular majority, or lost, or not carried by a particular majority, and an entry to that effect in the book of proceedings of the Bank shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

Publication of notice of general or special general meeting.

48. Any general or special general meeting of this Bank, for the assembling of which provision has not been otherwise made, shall be called upon notice published by the Directors in at least two issues of the *Natal Government Gazette*, and at least one newspaper published in the Colony of Natal, before such meeting is to be held ; and such notice shall specify the place, day, and hour of such meeting, and the particular nature of the business to be transacted thereat, or the purpose or purposes for which such meeting is called ; and such business only shall be transacted, and such purpose or purposes only shall be carried out as shall have been particularly specified in the notice given thereof.

Place of meeting.

49. All general meetings shall be held at Pietermaritzburg : Provided, however, that it shall and may be lawful for the Directors of this Bank, when they shall deem it fit and expedient so to do, from time to time to appoint any special general meeting to be held elsewhere in this Colony, and at such places where this Bank may have established Branches or Agencies, and the purpose of such meeting may specially affect that particular locality.

Adjournment of meeting.

50. It shall and may be lawful for the proprietors, at any such general meeting, by a majority of votes, to adjourn the same to any future day, but not later than the same day in the ensuing week ; and at such adjourned meeting to adjourn the same in manner aforesaid ; and so on until all the business for which any such general meeting was originally called shall have been transacted.

Natal Bank.

51. The general management of the affairs and the control of this Bank shall be vested and reposed in, and the business thereof shall be transacted and carried on by, a Board of Directors not exceeding seven in number, of whom three shall form a quorum, and such Directors, and all future Directors of The Natal Bank (Limited) shall have the sole general management of the capital funds, estate, property, effects, affairs, and concerns of the Bank in all its branches and agencies, and shall transact the affairs thereof in manner by this Law provided.

Board of
Directors.

52. All acts which may be done at any meeting of the Directors during any vacancy in the Board of Directors shall be as valid and effectual as if the number of Directors was complete, and no vacancy had occurred in the direction : Provided that at every such meeting of Directors a quorum, *i.e.*, three Directors, be present.

Acts of Board
during a vacancy

53. It shall be the duty of the General Manager to keep a current list of the Directors of this Bank, and upon the second Thursday in the month of February in each and every year the two Directors who are first named in such list shall go out of office and the names of their successors, when elected, shall be entered at the bottom of such current list of Directors : Provided that the retiring Directors shall remain in office until their successors shall have been appointed, and that any Director so going out of office shall be eligible for immediate re-election.

Retirement and
re-election of
Directors.

54. At the general meeting of the proprietors of this Bank to be held on the second Thursday in February, in each and every year, the proprietors shall elect from among such of the shareholders as may be qualified in manner herein provided two persons to be Directors in room of the retiring Directors. And to facilitate such election a list of the names of such shareholders as are eligible for election as Directors shall be made out from the register of all the proprietors of shares in the capital funds of this Bank, and shall be laid upon the table previous to the proceedings of such meeting being commenced.

Election of
Directors in
place of retiring
Directors.

55. It shall not be lawful for any person to be elected as a Director who shall not possess *bona fide* in his own right an interest in The Natal Bank (Limited) of shares in the capital funds thereof, upon which the sum of Five Hundred Pounds sterling has been paid up.

Qualification of
Directors.

It shall not be lawful for any two persons carrying on business as co-partners in any firm to be on the direction at the same time, nor for any one person to be elected a Director who is the agent representing a Director or a firm, or any individual partner of a firm of which firm one of the partners is a Director, nor for any person to be elected a Director while he shall hold any office in this Bank.

Partners, agents,
&c., of a Director
may not also be
a Director.

No person, not being a retiring Director, shall, unless recommended by the Directors for election, be eligible for election to the office of Director at any general meeting, unless he or some other member intending to propose him has, at least seven clear days before the meeting, left at the Head Office of The Natal Bank

Candidature for
election.

Natal Bank.

(Limited) a notice in writing under his hand, signifying his candidature for the office or the intention of such member to propose him.

Retirement of a Director becoming partner of another Director.

56. If any person being a Director or Branch Director of this Bank shall enter into partnership with any other person being also a Director or Branch Director, the Board of Directors of this Bank sitting at Pietermaritzburg shall decide by lot which of the two such Directors or Branch Directors shall go out of office, and the Director or Branch Director whose retirement shall be fixed upon, shall immediately thereupon cease to be a Director or Branch Director : Provided always that it shall be competent for either of such Directors or Branch Directors to resign his appointment as such prior to any such decision by lot.

Disqualification of a Director.

57. Any Director of The Natal Bank (Limited) shall in any or either of the following cases become disqualified to act as, and shall thereupon *ipso facto* cease to be, a Director of the said Bank :—

- (a) If he shall become a bankrupt or an insolvent, or shall suspend payment, or if his estate shall be sequestrated for the benefit of his creditors, or if he shall assign his estate, or if he shall compound with his creditors.
- (b) If he shall absent himself from the meetings of the Board of Directors, to which such Director shall have been appointed, for three consecutive months : Provided however that the Board of Directors may, by resolution, grant to any such Director, special leave of absence for any period not exceeding six months, and by such resolution may empower and appoint such Director during such absence to attend to and further the business and interests of the Bank : Provided that such special leave of absence shall only be granted to one Director at the same time.
- (c) If he shall cease to be the holder of the number of shares in the capital funds of the said Bank, necessary to qualify him to be a Director.
- (d) If he shall accept or hold any other office in the said Bank except that of Managing Director.
- (e) If he shall refuse to act upon or carry into effect any lawful resolution duly carried at a general meeting of shareholders, or any rule, order, regulation, or by-law of this Bank.
- (f) If he shall be found lunatic, or if he become of unsound mind.

Disqualification of a Director not to invalidate proceedings of Board.

58. No resolution, act or proceeding of the Board of Directors, otherwise legal and valid, shall be rendered illegal and invalid merely by the circumstance that any Director thereof has under any of the provisions of this Law become disqualified to act as such, but shall notwithstanding such disqualification have continued to act, and shall have united with other Directors in passing, performing, or taking any such resolution, act, or proceeding as aforesaid.

Natal Bank.

59. In case the conduct of any Director shall be such that his continuance in office shall appear to the other Directors prejudicial or injurious to the interests of the Bank, then it shall be lawful for the other Directors, at a Board to be convened for that purpose, if the Directors present at such Board be unanimous in that behalf, but not otherwise, to suspend any such Director from his office. And in case of every such suspension the said Directors shall forthwith call a meeting of shareholders for the purpose of confirming or disallowing such suspension. Notice of the said meeting, and of the purpose for which it is called, shall, previously to the holding thereof, be published twice in two successive weeks in the *Natal Government Gazette*, and fourteen days' notice in writing of the date, place, and object of the said meeting shall be also given to such Director so suspended. And such suspension shall be capable of confirmation, or of disallowance and reversal, by a majority of the votes of the shareholders present or represented at such meeting; and such majority may thereupon remove such Director from his office.

Suspension of a Director by the Board:

Confirmation or reversal by shareholders.

60. In case the conduct of any Director shall at any time be such that his continuance in office shall appear to at least fifteen of the shareholders of this Bank entitled to vote, representing no less than one-tenth of the paid-up capital of this Bank, to be prejudicial to the interests of this Bank, and such shareholders shall give notice thereof in writing to the Board of Directors, the Directors may and they are hereby required to call forthwith a meeting of shareholders for the purpose of determining whether such Director shall remain in office. Notice of the said meeting, and of the purpose for which it is called, shall previously to the holding thereof be published twice, in two successive weeks, in the *Natal Government Gazette*, and fourteen days' notice in writing of the date, place, and object of the said meeting shall be also given to such Director. Such Director may be removed from his office by a majority of the votes of the shareholders present or represented at such meeting.

Removal of a Director by a meeting of shareholders.

61. In the event of the death, resignation, removal, or disqualification of any one or more of the Directors during any current year of office, the remaining Directors, at their next convenient meeting, shall elect a Director or Directors from among the shareholders duly qualified to fill the office, to fill up such vacancy or vacancies until the next annual meeting of shareholders; and at the next annual meeting of shareholders an election shall take place, in manner and subject to the regulations herein provided for the annual election of Directors. And such Director or Directors so elected at the annual meeting to fill up such vacancy or vacancies shall continue in office until the expiration of the period for which the Director so dying, resigning, being removed, or becoming disqualified as aforesaid would otherwise have remained a Director. The office of each such Director so elected by the Directors to fill a vacancy shall be vacated if he is requested in writing prior to the holding of any such annual meeting of shareholders by all his co-Directors to resign.

Mode of filling a vacancy in Directorship during term of office.

Natal Bank.

Term of office of Director.

62. Every Director of this Bank shall continue in office until another Director shall be appointed in his place, or until he shall become disqualified, resign, or be removed.

Election of Chairman of Board.

63. At the first meeting of the Board of Directors, after the annual meeting of proprietors in every year, or at a special meeting of such Board, in case of a vacancy in the office of Chairman, by death, resignation, or otherwise, the Directors shall select one of their number to be the Chairman of the Board of Directors, and such Chairman shall, while such Director, continue to act as such chairman, until after the annual election of Directors in the ensuing year.

Transaction of business of the Board.
Quorum.

64. The Directors of this Bank shall meet for the transaction of business as often as they shall deem fit; at all meetings of the Board three Directors shall form a quorum; minutes of the proceedings of the Board of Directors shall be duly kept. The Chairman, and in his absence some other Director chosen by the Directors present, shall preside at all meetings of the Board of Directors, and the presiding Chairman shall in all cases be entitled to vote upon all questions, and in the event of there being an equality of votes to give a second or casting vote.

General powers of Directors.

65. In addition to the powers and authorities by this Law expressly conferred upon the Directors, they may exercise all such powers, and do all such acts and things as may be exercised or done by The Natal Bank (Limited); and are not hereby expressly directed or required to be exercised or done by the Bank in general meeting, but subject, nevertheless, to any regulations from time to time made by the Company in general meeting: Provided that no regulation shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

Regulations made in general meeting.

Other powers conferred upon Directors.

66. Without prejudice to the general powers conferred by this Law, it is hereby expressly declared that the Directors shall have the following powers, that is to say:—

Appointment, &c., of managers and employes.

Power to appoint, and at their discretion remove or suspend, and appoint others in place thereof, such managers, accountants, officers, clerks, agents and servants for permanent, temporary, or special services in transacting the affairs of the Bank as the said Directors may from time to time think fit, and to determine their duties and fix their salaries, remuneration or emoluments, and to require security in such instances and to such amount as they think fit for the faithful discharge of their duties.

Managing Directors.

67. The Directors may appoint from among themselves two Managing Directors, to facilitate the conduct and management of the daily transactions of the Bank. And such offices shall be filled in such rotation or otherwise, and be held by the same individuals respectively for such periods as such Directors shall appoint. Such Managing Directors shall keep minutes of all their proceedings, and the powers and duties of such Managing Directors shall from time to time be defined and laid down by the Directors of this Bank.

Their powers and duties.

Natal Bank.

68. The Directors shall and may from time to time make such rules and by-laws, orders, and regulations as to them shall seem just and expedient for the general management and government of the business of the Bank, and for the guidance of the Managing Directors and its salaried officers; and shall and may from time to time repeal, alter, or amend the same: Provided the same be not contrary to law, or repugnant to any provisions of this Law.

Rules, by-laws, &c., may be made

69. The Directors from time to time may purchase land and build or purchase or take on lease a house or houses in any city, town, or place where this Bank has established or shall establish branches or agencies in which the business of the Bank shall be conducted. And the Directors may dispose of any such land, house, or houses, as they may have purchased or built, by public auction or private contract: Provided always, that no such land or houses shall be purchased and no such houses built so as to be in any manner instrumental for the purposes of trade or speculation.

Acquisition of Bank premises.

Disposal of same.

70. The Directors from time to time may fix the rate of interest, commission, and other charges to be charged on discounting bills, notes, and other negotiable securities, and on the transaction of other banking business, and may allow interest after such rate and upon such conditions as they shall from time to time fix and determine upon any sum or sums of money which may be deposited in the said Bank.

Directors may fix rate and conditions of interest and other charges.

71. The Directors from time to time may establish Branch Banks, or Bank Agencies, for the transaction of the business of The Natal Bank (Limited) in the United Kingdom, and in any part of South Africa, and in any place in the Colony of Natal or elsewhere, and also may continue any such Branch Bank or Agency already established, to be conducted either by Branch Directors, by Managers, by Agents, or by any other officers in such manner and subject to such rules and regulations as the said Directors may from time to time respectively fix and determine: Provided always, that the Directors may close again and discontinue any existing Branch or Agency, or any which may be established hereafter.

Branch Banks or Bank Agencies.

72. The Directors may from time to time provide for the management of the affairs of this Bank at any of its branches or agencies, in such manner as they shall think fit, and the provisions contained in the following sections shall be without prejudice to the general powers conferred by this section.

Directors may provide for management of Bank and Branch Banks or agencies.

73. The Directors from time to time, and at any time, may establish any local boards or agencies for managing any of the affairs of this Bank at any of its branches, and may appoint any persons to be members of such local board, or any managers or agents, and may fix their remuneration.

Local boards or agencies.

74. The directors from time to time, and at any time, may delegate to any person so appointed any of the powers, authorities, and discretions for the time being vested in the Directors, and may authorise the members for the time being of any such local board or any of them to fill up any vacancies therein, and to act notwithstanding vacancies, and any such appointment or delegation may be made

Delegation of authority to local agency or board.

Natal Bank.

on such terms and subject to such conditions as the Directors may think fit, and the Directors may at any time remove any person so appointed, and may annul or vary any such delegation.

Directors may
appoint persons
by power of
attorney with
certain powers.

75. The Directors may at any time and from time to time by power of attorney, appoint any persons to be the attorneys of this bank, for such purposes and with such powers, authorities, and discretions (not exceeding those vested in or exercisable by the Directors under these presents), and for such period and subject to such conditions as the Directors may from time to time think fit, and any such appointment may (if the Directors think fit) be made in favour of the members of any local board established as aforesaid, or in favour of any company, or of the members, directors, nominees or managers of any company or firm. Any such delegates or attorneys as aforesaid may be authorised by the Directors to sub-delegate all or any of the powers, authorities and discretions for the time being vested in them.

Sub-delegation.

Director may not
vote when per-
sonally
interested.

76. Any Director having a personal interest in any question under consideration at any meeting of the Board of Directors, shall retire from such meeting, and shall not be allowed to vote in the decision of such question, but the same shall be decided by the other Directors present: Provided they be sufficient to form a quorum, and provided that such question in which such Director shall be concerned shall stand over until there be a proper quorum, in case the other Directors then present shall not be a quorum.

Remuneration
of Directors.

77. The Directors shall be paid out of the clear profits of the Bank by way of remuneration for their services, in each and every year, the sum of Two Thousand Pounds sterling: Provided, however, that the said sum does not exceed an amount equal to five per centum of the clear profits of the Bank for such year, and such sum shall be divided among the Directors in such proportions and manner as the Directors may determine.

Calling special
general meetings

78. The Directors may at any time call a special general meeting of the proprietors of this Bank, for such special purpose or purposes, and at such time and place as the said Directors shall deem fit and expedient.

Special general
meeting to be
summoned on
requisition by 15
shareholders
representing one-
tenth of paid-up
capital.

79. The said Directors shall be bound to call a special general meeting of proprietors for any special purpose or purposes, whenever they shall be required so to do by a requisition in writing, signed by not less than fifteen of the shareholders of this Bank entitled to vote, representing at least one-tenth part of the paid-up capital of the Bank, setting forth the purpose or purposes for which such meeting is required to be called: Provided that notice shall be given of the time and place at which, and the purpose or purposes for which any such special general meeting shall be called as aforesaid, whether it be on such requisition as aforesaid or otherwise. And whenever such special general meeting shall be required to be called, in pursuance of such requisition as aforesaid, the said Directors shall give such notice of such meeting within fourteen days after they shall have received such requisition as aforesaid.

Notification.

Natal Bank.

80. At all general meetings, whether annual or special, of the shareholders of this Bank, the Chairman for the time being of the Board of Directors, or in his absence one of the Directors present, elected by the shareholders shall preside; and such Chairman or other Director so presiding shall, both on a show of hands and at a ballot, whenever the votes shall be equally divided, or whenever, in case of any election, two or more persons shall have an equality of votes, have a casting vote in addition to his own vote or votes as a shareholder in the decision of the question at issue.

Conduct of
business at
general meetings

81. In all matters submitted to the consideration of any general meeting of this Bank, whether special or yearly, the proprietors of shares in the Capital Funds of this Bank shall have votes in the following proportion, that is to say: Each proprietor possessed of not less than four shares one vote; each proprietor possessed of not less than twelve shares two votes; each proprietor possessed of not less than twenty-two shares three votes; each proprietor possessed of not less than fifty shares four votes; each proprietor possessed of not less than one hundred shares five votes; and for every one hundred shares over and above one hundred shares, one additional vote: Provided always that no proprietor shall be entitled to vote in respect of any share or shares until his name shall have been registered in the books of this Bank as a proprietor for a period of three months; and until he shall have paid all instalments due on any shares in respect of which he may claim to vote.

Votes, proportion
of, to number of
shares held by
any person.

82. Any shareholder absent from any meeting of shareholders may appoint any shareholder to vote for him by proxy: Provided always that no proprietor shall give more than twenty votes at one time, whether for himself, by proxy, or otherwise; and such proxy shall not require to be drawn up in any particular form, but may be by simple letter of instruction: And provided, also, that every authority to vote by proxy shall specify the particular meeting at which it is intended such authority shall be used: And provided, further, that any person (not being a proprietor) duly authorised by power of attorney from a proprietor may, on behalf of his principal, grant any such proxy as is by this section provided for.

Voting by proxy

83. Any person who shall be the holder of any shares in the capital funds of this Bank in his capacity as tutor, curator, or guardian of any minor, shall possess the same number of votes in respect of such shares as such minor would have been entitled to if of full age: Provided that when two or more persons are joint tutors, curators, or guardians of any such minor, such one only as the other or others of them may appoint, and whose appointment shall have been previously signified in writing to the General Manager of the Bank, shall be entitled to attend and vote, or to vote by proxy, in respect of such shares at any annual or special general meeting of shareholders of this Bank.

Votes by cura-
tors, guardians,
and tutors.

84. Wherever in any of the clauses of this Law a reference is made to the Directors of this Bank, or to the Directors for the time being, or to the Directors generally, the same shall be construed to

"Directors"
means Directors
at Pietermaritz-
burg.

Natal Bank.

refer to the Directors at Pietermaritzburg, and not to the Directors of any branch establishment or agency.

"Manager" means Manager at Head Office.

Whenever in any of the clauses of this Law a reference is made to the Manager of this Bank, or to the Manager for the time being, or to the Manager generally, the same shall be construed to refer to the General Manager at the Head Office, and not to the Managers of any branch establishment or agency.

Reserve fund.

85. The sum of Five Thousand Pounds sterling, or such further sum as the Directors shall from time to time determine and fix on, shall, as herein provided, be accumulated as the Reserve Fund of this Bank for every Twenty Thousand Pounds sterling of paid-up capital, and shall be carried to a separate account in the books of this Bank, and such Reserve Fund shall be invested in and upon any of the public stocks of, or funds, or Government securities, of the United Kingdom, or of India, or any other Colony or Dependency of the United Kingdom, or in the Stock of the Bank of England, or in debentures or stock of the Metropolitan Board of Works, or in debentures or preferent stock of any British or guaranteed Indian Railway, or in debentures of the Corporations of Pietermaritzburg and Durban, or in debentures of any municipal corporation in the United Kingdom; and the Directors may from time to time vary or transmute such stock or funds into or for other of a like nature; and such Reserve Fund shall be the primary fund, to be from time to time resorted to, in order to meet and satisfy any extraordinary losses which may be sustained by the Bank, or any extraordinary costs, charges, damages, and demands to which this Bank may from time to time become liable. And the said Reserve Fund may be applied for the several purposes aforesaid by the Directors as they in their discretion shall think fit; and the said fund shall, on the expiration or other sooner determination of this Banking Company, belong to and be divided amongst the persons who shall be entitled to the capital funds of this Bank, in the same shares and proportions as they shall be entitled to such capital funds.

One-tenth of net profits to be set apart until Reserve amounts to one quarter of paid-up capital.

86. The Directors shall, out of the net profits of the Bank, annually set apart and retain one-tenth part thereof, to be added to the Reserve Fund of the Bank in existence at the time of the taking effect of this Law, and so from year to year continue to set apart and retain one-tenth part of the net profits of the Bank, until by such additions the said Reserve Fund shall amount to a sum equivalent to one-fourth of the paid-up capital of the Bank. If, after such sum shall have been made up, it shall so happen that the Reserve Fund shall fall below the said sum equivalent to one-fourth of the paid-up capital of the Bank, then and so long as the Reserve Fund shall remain under that sum, one-tenth part of the net profits shall be annually set apart and added thereto until the Reserve Fund shall again amount to a sum equivalent to one-fourth of the paid-up capital of the Bank.

Declaration of dividends, bonuses, &c.

87. The Directors shall have the power before determining upon and declaring any dividend, to set aside out of the profits of the Bank such sums as they think proper as a fund for equalising dividends and

Natal Bank.

for bonuses as the Directors shall in their discretion think conducive to the interests of the Bank, and to invest the several sums so set aside upon such investments as they may think fit, and from time to time to deal with and vary such investments and dispose of all or any part thereof for the benefit of the Bank, and to divide the said fund into such special funds for dividends, and for bonuses as they shall think fit.

88. The dividends to be paid to the shareholders of The Natal Bank (Limited), and the time or times when the same shall become payable, shall be determined by the Directors for the time being, as they in their judgment shall think fit, and the dividend which they shall have so determined upon shall be declared by them at the annual general meeting of shareholders: Provided that no dividend shall be declared or paid except out of the net profits accrued during the preceding year, or out of the fund by this Law created for equalising dividends.

Dividends determined by Directors.

To be declared at annual general meeting.

Payable only out of profits or a fund for the purpose.

Interim dividends.

89. The Directors may at any time in the month of July in each year if they shall so think fit, and the accruing profits of the Company shall appear to them to warrant it, direct a sum of money in the nature of an interim dividend, and in anticipation of the annual dividend to be paid to the shareholders in the manner provided by this Law, as, and for a dividend for the six months ending the 30th day of June last preceding, and such sum shall on each such occasion be so calculated as to equalise as nearly as may be the sum which would be payable on each half-year for dividends. And on payment of the next annual dividend declared the sum so paid in anticipation shall be deducted therefrom whether the then holders of the shares respectively shall be the persons who shall have received such sums or not.

90. In the event of any dividend being declared at any annual general meeting of shareholders out of any funds other than the net profits of the preceding year, or out of the fund by this Law created for equalising dividends, the Directors shall be personally liable for any dividend so declared.

Directors liable for dividend paid from improper source.

91. The dividends of this Bank shall be computed at so much per centum upon the capital actually paid up, and in respect of new shares which may be created any capital actually paid up thereon shall participate in any periodical dividend only in proportion to the time that such capital may have been actually paid up. Any dividends determined upon and declared by the Directors at any annual meeting of proprietors, shall be payable on such day or days after any such annual meeting as the Directors shall appoint. No dividend shall bear interest as against the Company.

Computation and apportionment of dividends.

92. Any dividend declared by the Directors shall accrue and be due and payable to the proprietors of the Bank, registered at the date upon which any such dividend as aforesaid has been declared.

Dividends accrue to registered proprietors.

93. The Directors appointed, and hereafter to be appointed, and all managers, agents, Bank clerks, auditors, and such other person or persons employed or to be employed in and about the affairs of

Declaration of secrecy by Directors, Managers, and

Natal Bank.

other officers and
employés.

the Bank shall, previously to entering on the duties of their respective offices or employments, make and sign a declaration of secrecy to be entered in a book or books to be kept for that purpose, pledging themselves respectively not to reveal or make known (except so as in the discharge of their respective duties may be inevitable and necessary) any of the matters, affairs, or concerns of the Bank which may come to the knowledge of them in the discharge of the duties of any of the offices or employments above mentioned or referred to, especially on the subject of the transactions of this Bank, with its customers, and the state of the accounts with individuals unless they shall be required so to do in due course of Law.

Interpretation --
"Proprietors."
"Majority of
proprietors."

94. In the clauses of this Law referring to any General Meeting of proprietors, or to any requisition calling any Special General Meeting, the term "proprietor or proprietors of this Bank" shall be construed to include all shareholders, males and females. And where it shall not in the clauses of this Law be otherwise expressly provided, the phrases "majority of proprietors" and "majority of proprietors present" shall be construed and taken to mean a majority of votes which such proprietors shall under the provisions of this Law be entitled to give, either in their own right, or as the proxies of absent proprietors.

Requisition for
general meeting.

Notification
thereof.

A alteration of
this Law may be
considered,

If sufficient
voters be present.

Directors may
call a meeting
for the purpose.

95. The proprietors entitled to vote at an ordinary or special meeting held for that purpose (of which, and of the particular object whereof, notice shall be given by the Directors six weeks before the same shall be held, and which notice shall be inserted in the *Government Gazette* of the Colony of Natal, and such newspapers as the Directors may deem expedient, whenever so required by a requisition in writing, setting forth the purpose for which the same is to be held, signed by not less than fifteen proprietors, representing at least one-tenth part of the subscribed capital of the Company, which notice shall be published within fourteen days after the same shall have been delivered to the Directors) may take into consideration the steps which shall be taken for the purpose of causing to be repealed, altered, added to, amended, or modified, any section of this Law: Provided, however, that not less than three-fourths of the proprietors entitled to vote, and present at such meeting, or represented by proxy thereat, shall concur in the same: And provided, also, that the Directors shall have the same right of calling a meeting as aforesaid, and for the purpose as aforesaid.

Indemnification
of Directors for
costs, &c.,
incurred.

96. The Directors and other the officers of the Natal Bank (Limited), and each and every of them, shall be indemnified and saved harmless out of the funds and property of the Bank, from and against all costs, charges, losses, damages, and expenses which they, or any of them, shall or may incur or sustain by reason or in consequence of any contract or engagement into which they may lawfully enter in behalf of the Bank, or any action, suit, or other proceeding relating to any contract or engagement, or in or about any matter or thing whatsoever, or in anywise relating to the affairs and

Natal Bank.

business of the Bank : Provided always, that such losses, costs, charges, damages, and expenses shall not have been sustained or occasioned by his, their, or either of their wilful act, neglect, or default.

Proviso.

97. If at any time during the continuance of this Law The Natal Bank (Limited) shall have sustained actual damages and incurred losses to such an amount that the whole amount of the Reserve Fund then accumulated, and one-fourth part of the subscribed Capital of the Bank (as by this Law defined, and from time to time increased), shall be exhausted in paying off and satisfying said damages and losses, then the Board of Directors for the time being shall forthwith call a special general meeting of the shareholders, in manner hereinbefore provided, and shall submit to such meeting a full and general statement of the affairs and concerns of the said Bank, and thereupon the affairs of the said Bank shall be wound up, and the Bank, as soon as may be, dissolved.

If the Bank's losses absorb the Reserve Fund and one-fourth of subscribed capital, meeting shall be called and Bank be wound up and dissolved.

98. In the event of The Natal Bank (Limited) suspending cash payments at any of the Bank's establishments for the space of sixty days, either consecutively or at intervals within any one year, or in the event of any other breach of the special conditions upon which the Company is empowered to carry on the business of banking, or to issue and circulate promissory notes under this Law, then all powers, privileges, and authorities hereby given shall cease and determine, and the said Natal Bank (Limited) shall, as soon as may be, be dissolved.

In the event of suspension of payment for 60 days, or other breach of banking conditions, Bank to be dissolved.

99. In case the Directors for the time being shall neglect or omit to call a Special General Meeting of the shareholders when the payment and satisfaction of the actual damages and losses sustained by The Natal Bank (Limited) shall have exhausted the whole amount of the Reserve Fund then accumulated and one-fourth of the then subscribed Capital of the Bank, then each of the said Directors shall be personally liable to the whole extent of his property for any losses incurred by the shareholders in excess of the proportion of one-fourth of the Capital Funds for the time being.

Liability of Directors for neglect (see Sec. 97).

100. The Natal Bank (Limited) is hereby empowered to continue its banking operations in terms of this Law for a period of twenty-one years, to be computed from the date of this Law coming into effect, and no longer : Provided, however, that at the Annual General Meeting of the proprietors which shall be holden upon the second Thursday in the month of February, 1909, it shall be lawful for a majority of not less than three-fourths in number of the proprietors present, or represented by proxy, at such meeting, to determine that the necessary steps be taken for the renewal of this Law.

Banking operations authorised to continue for 21 years.

Steps may be taken for renewal of this Law.

101. Wherever the words "The Natal Bank," or "Natal Bank," are used in any Law, Ordinance, regulations, writing or document now in force in this Colony, those words shall, on the taking effect of this Law, be taken to mean the corporation under the designation of The Natal Bank (Limited) by this Law established and incorporated,

"The Natal Bank" or "Natal Bank" henceforth to mean The Natal Bank (Limited).

Natal Bank.

- Savings.** 102. Nothing in this Law contained shall be deemed to affect or apply to any right, title, or interest of Her Majesty, Her Heirs, or Successors, or of any body or bodies politic or corporate, or of any person or persons, other than and except such bodies, politic or corporate, and persons as are mentioned in this Law, and those claiming by, from, or under them respectively.
- Short title.** 103. This Law may be cited for all purposes as "The Natal Bank (Limited) Law, 1888."
- This Law to be a public Law.** 104. This Law shall be taken and deemed to be a public Law, and shall be judicially taken notice of as such by all Courts of Law in this Colony without being specially pleaded.
- Commencement of Law.** 105. This Law shall not come into operation unless, and until, the Officer Administering the Government notifies, by Proclamation, that it is Her Majesty's pleasure not to disallow the same; and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same or any other Proclamation.

Given at Government House, Natal, this 15th day of
January, 1889.

By command of His Excellency the Governor,

(Signed) H. C. SHEPSTONE,
Acting Colonial Secretary.

Customs and Transit Dues.

LAW No. 1, 1889.

(Signed) C. B. H. MITCHELL.

To continue the Customs Duties and Transit Dues Law, 1886, with certain amendments.

WHEREAS the Law 4, 1886, "the Customs Duties and Transit Dues Law, 1886," expires on the 31st day of December, 1889, and it is expedient to continue the said Law with certain amendments :

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The said Law No. 4, 1886, "the Customs Duties and Transit Dues Law, 1886," shall, save so far as amended by this Law, be continued until the 31st day of December, 1890, and the Duties of Customs and the Transit Dues shall, save as aforesaid, continue to be charged and levied under the said Law until the 31st day of December, 1890.

Law 4, 1886, save so far as amended by this Law, continued to the 31st December, 1890.

2. In Schedule A of the said Law the duty of two pence per lb. thereby imposed on Cocoa, Salted and Preserved Meats, and Potted Fish shall be, and the same is hereby, abolished, and there shall be imposed in lieu thereof a duty of one penny per lb.

Substitution of duty of one penny per lb., in lieu of two pence on certain goods.

In the said Schedule A the duty of £7 for every £100 value thereby imposed on Goods (Wares and Merchandise), not otherwise charged with duty, not prohibited to be imported, and not exempted from duty by Schedule B of the said Law, shall be, and the same is hereby, abolished, and there shall be imposed in lieu thereof a duty of £5 for every £100 value.

Substitution of *ad valorem* duty of £5 per centum, in lieu of £7.

3. The following goods, wares, and merchandise shall be, and the same are hereby, added to those included in Schedule B of the said Law, namely :—Sugar-pockets, Grain-bags, Deals and Timber (being the raw material wholly unmanufactured), Sheet Iron (not corrugated), Iron and Steel in bars, Pig or Ingot Steel, Copper in Sheets, including Metal Sheathing for Ships, Sheet Tin, Tea Lead, and Wool-packs.

Additions to free list.

4. Whenever it shall be proved to the satisfaction of the Governor in Council that the Customs Duty levied upon raw materials, Refined Sugar, or Cocoa-nut Oil used in any industry in this Colony prevents the profitable working of that industry, it shall be lawful for the Governor in Council to make a refund to the Manufacturer of the whole, or any portion of such Duty as may have been paid.

Governor in Council authorised to grant refund of duty in respect of raw materials imported by manufacturers.

TT

Customs and Transit Dues.—Education.

Governor in Council authorized to make refunds of Customs duty, in respect of goods cleared for use or consumption outside Natal.

Proviso.

Existing proclamations, appointments, &c., under Law 4, 1886, to remain in force under this Law.

Commencement of Law.

5. In case it shall at any time appear to the Governor in Council that the trade of this Colony is being, or is likely to be lessened, or diverted owing to a rebate being made of the Customs Duties payable at any port in South Africa, which would have the effect of lowering the duties paid at that Port below those payable under this or any other Law at the Port of Natal, or owing to rates of duty (or Transit Charges), being charged at any Port in South Africa lower than those charged at the Port of Natal, it shall be lawful for the Governor in Council to make such refunds or rebates of the Customs Duties imposed by this or any other Law for the time being in force upon goods cleared for use or consumption outside Natal as the interests of the trade of this Colony may appear to the Governor in Council to demand: Provided that any alteration made in terms of this clause shall not have effect until after seven days' notice thereof shall have been given in the *Natal Government Gazette*: And provided also that information as to any action taken under this Clause shall be communicated to the Legislative Council at the earliest opportunity during its next Session.

6. Every proclamation and appointment and order made, every notice and license issued, every bond given, and everything done under the authority of the said Law shall be of the same force and effect as if the said Law had been originally limited to continue until the said 31st day of December, 1890.

7. This Law shall commence and take effect on and from the day after promulgation of the same in the *Natal Government Gazette*.

Given at Government House, Natal, this 14th day of June, 1889.

By command of His Excellency the Administrator of the Government,

(Signed) A. H. HURR,
Acting Colonial Secretary.

LAW No. 2, 1889.

(Signed) C. B. H. MITCHELL.

To amend Laws Nos. 15, 1877, and 36, 1884.

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Amendment of Sec. 18, of Law 15, 1877,

1. Section 18 of Law No. 15, 1877, shall be amended by the addition to the list of subjects included in the course of instruction of the following:—

(m) Modern Languages.

Education.—Excise.—Customs Duties.

2. The word "French" occurring in Section 3 of Law No. 86, 1884, shall be expunged, and there shall be substituted in lieu thereof the words "Modern Languages." Amendment of
Sec. 3, of Law
86, 1884.

Given at Government House, Natal, this 25th day of
June, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 3, 1889.

(Signed) C. B. H. MITCHELL.

*To amend Law No. 14, 1876, entitled Law "To amend the Excise
Law, 1868."*

BE IT ENACTED by the Governor of Natal, with the advice and
consent of the Legislative Council thereof, as follows :—

1. The words "not exceeding four in number," occurring in the 4th Section of Law No. 14, 1876, are hereby repealed. There shall be added, after the words "Excise Commission's Report of 1876," in the said section occurring, the following words, that is to say : "and the number of such premiums which may be so offered shall from time be determined by the Governor in Council." Amendment of
Sec. 4, of Law
14, 1876.

Given at Government House, Natal, this 25th day of
June, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 4, 1889.

(Signed) C. B. H. MITCHELL.

To amend the Laws Relating to Customs Duties.

WHEREAS it is expedient to amend the Laws relating to Customs Duties, so far as to admit free of duty all materials required for the construction and maintenance of Railways, Telegraphs, Bridges, and other Public Works in the Orange Free State, and the South African Republic, and all Artillery required for the use of the Orange Free State Government and the Government of the South African Republic : Preamble.

Customs Duties.—Constitution Amendment.

Be it therefore enacted by the Governor of Natal, by and with the advice of the Legislative Council thereof, as follows :—

Law 94, 1884,
repealed.

1. The Law No. 24, 1884, entitled Law "To amend the Laws relating to Customs Duties," shall be, and the same is hereby repealed.

Governor may
make regulations
for admission
into Colony free
of Customs duty
of articles in
Schedule hereto.

2. From and after the commencement of this Law, the Governor may, with the advice of the Executive Council, make such orders and issue such regulations as he may deem necessary for the admission into this Colony, free of Customs Duty and of the Registration Charges set forth in the Schedule C of Law No. 1, 1867, and Schedule C of Law No. 4, 1886, of the articles mentioned in the Schedule of this Law.

Repeal of repug-
nant Laws.

3. The provisions of Law No. 1, 1867, and the Law No. 4, 1886, or of any other Customs Law in force for the time being in this Colony, in so far as repugnant to or inconsistent with any of the provisions of this Law, shall be and the same are hereby repealed.

Commencement
of Law.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

SCHEDULE.

Materials required for the construction and maintenance of Railways, Telegraphs, Bridges, and other Public Works in the Orange Free State and the South African Republic. The term materials for the maintenance of telegraphs shall be held to include printed forms for telegrams.

Artillery required for the use of the Governments of the Orange Free State and the South African Republic.

Given at Government House, Natal, this 25th day of June, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 5, 1889.

(Signed) C. B. H. MITCHELL.

To amend Law No. 1 of 1883, being the "Constitution Amendment Law, 1882."

Preamble.

WHEREAS it is desirable to make provision for separate representation by Elective Members in the Legislative Council of the Counties of Alexandra and Alfred, and in consequence to increase the number of Elective Members :

Constitution Amendment.

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Save so far as in conflict with this Law, all former Laws and Charters now existing shall be deemed to remain in force.

Save so far as in conflict, former Laws and Charters remain in force.

2. From and after the end of this present Legislative Council the Electoral District of Alexandra and Alfred shall cease to return a member to serve in the Legislative Council of Natal.

Electoral District of Alexandra and Alfred shall cease to return a member.

3. From and after the end of the present Legislative Council there shall be formed out of the Electoral District of the Counties of Alexandra and Alfred, in the Colony of Natal, two Electoral Districts, the one to be called the Electoral District of Alexandra and the other the Electoral District of Alfred.

Counties of Alexandra and Alfred to have separate representation.

4. The boundaries of the said Electoral Districts respectively shall be the boundaries fixed and defined for the Counties of Alexandra and Alfred respectively by the Governor's Proclamation of the 5th day of October, 1874, or such other boundaries as may be from time to time defined by the Governor by Proclamation in the *Government Gazette*.

Boundaries of Alexandra and Alfred Counties.

5. From and after the end of the present Legislative Council the Electoral District of Alexandra shall return one member to serve in the Legislative Council of Natal.

Alexandra County to return one member.

6. From and after the end of the present Legislative Council the Electoral District of Alfred shall return one member to serve in the Legislative Council of Natal.

Alfred County to return one member.

7. For the purposes of any election of a member for the Electoral District of Alfred before the first day of September, 1889, the Voters' List now in force in the County of Alfred shall be deemed the list of persons qualified to vote at any such election for the Electoral District of Alfred.

Present Voters' List to remain in force till Sept. 1st, 1889.

8. For the purposes of any election of a member for the Electoral District of Alexandra before the first day of September, 1889, the Voters' List now in force in the County of Alexandra shall be deemed the list of persons qualified to vote at any such election for the Electoral District of Alexandra.

Present Voters' List to remain in force till Sept. 1st, 1889.

9. All writs to be issued for the election of members of the Legislative Council under this Law, and all appointments of officers, and all proceedings relative to such elections, and to the registration of voters, shall be framed, made, and expressed in such manner as may be necessary for carrying into effect the provisions of this Law. The Charters and Laws now in force relating to all election purposes shall remain in full force and effect, and shall apply, as nearly as circumstances admit, to any constituency created or authorised under this Law to return a member to serve in the Legislative Council, to the same extent and in like manner as if such Electoral District had before returned such member to the Legislative Council.

Constitution Amendment.—Gaols.

10. This Law shall not come into operation unless and until the Officer administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify by the same or any other Proclamation.

Given at Government House, Natal, this 25th day of June, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 6, 1889.

(Signed) C. B. H. MITCHELL.

To amend the Law No 39, 1887, entitled Law "To consolidate and amend the Laws relating to Gaols in the Colony of Natal."

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. It shall be lawful for the Governor to confer upon the Superintendents of the Central Gaols of Pietermaritzburg and Durban the power to have and exercise a summary jurisdiction in trying and punishing, as hereinafter provided, offences committed by prisoners, or by warders, guards, or other officers or servants attached to either of the said gaols, against any of the existing rules and regulations for gaols, or any rules and regulations hereafter to be lawfully made under the provisions of Law No. 39, 1887, and of this Law. The Governor may at any time withdraw from either of such Superintendents as aforesaid the power conferred by virtue of this section.

2. No punishment to be inflicted under the provisions of the preceding section by either of the Superintendents therein named shall be of any other kind or exceed in severity the punishments hereinafter recited, that is to say :

(a) In the case of prisoners :

Extra labour for two hours per diem for one, two, or three consecutive days :

Solitary confinement, with half or full rations, for one, two, or three days :

Half rations for one, two, or three consecutive days :

Performance of any of the kinds of work or impositions awarded in gaols as punishment, as shot drill, treadmill work, and anything of a like nature, for one or two hours per diem for one, two, or three consecutive days.

(b) In the case of Warders, Guards, and other Officers and Servants :

Law 39, 1887,
amended.

Defining power
of Superinten-
dents of Gaols.

Goals.—Marriage Licenses.

Fine or fines not exceeding twenty shillings in any one month in the case of a European, or ten shillings in any one month in the case of a Native : such fines to be recoverable by deduction from the salary or wages of the offender.

3. The Governor in Council may from time to time make, alter, and repeal rules for regulating the punishments which may be imposed upon prisoners, or upon warders, guards, or other officers and servants attached to the aforesaid gaols for offences against prison discipline and the rules and regulations now in force or to be made under the provisions of Law No. 39, 1887, and may also by such rules, subject to the provisions of the foregoing section, define the offences which may be tried and the sentences which may be imposed therefor by the Superintendents of the aforesaid Gaols upon whom such powers shall have been conferred in terms of the first section of this Law : Provided, that no such rules made under the authority of this section shall provide for the trial or punishment by the Superintendents of the aforesaid Gaols of any cases of drunkenness or assault, or any contravention by warders, guards, or other officers or servants of the Law No. 39, 1887, not provided for under the rules and regulations existing or to be made under the provisions of that Law.

Governor in Council may make Rules and Regulations for maintenance of order and discipline among prisoners.

4. This Law shall be read and construed together with Law No. 39, 1887, as one Law.

This Law shall be read and construed together with Law No. 39, 1887.

Given at Government House, Natal, this 26th day of June, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 7, 1889.

Signed) C. B. H. MITCHELL.

To Regulate the Issue of Licenses for the Solemnization of Marriages.

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Resident Magistrate of every Division is hereby authorised subject to the provisions of this Law, to grant special licenses within the Colony, and every such license shall be duly stamped with stamps denoting the duty by law payable, and shall be as nearly as is material in the form contained in the first schedule of this Law.

Magistrates may grant special licenses.

Marriage Licenses.

License to be void after three months.

2. Unless a marriage shall be solemnized in pursuance of any license obtained and issued under the provisions of this Law within three months after the grant of such license, such license shall be of no effect, and no marriage shall be solemnized in pursuance thereof; nor shall any person having taken out a marriage license be entitled to a refund of the amount paid for such license, in case the marriage shall not be solemnized.

Intending spouses to make declaration in Schedule 2.

3. No such license shall be granted by any Resident Magistrate unless or until the intended husband and intended wife shall have made before such Magistrate, or before some Justice of the Peace, solemn declarations, in the form and to the effect set forth in the second schedule of this Law, and all such declarations shall be preserved of record in the offices of the respective Resident Magistrates.

Consent of parents, &c, in case of minors.

4. No license shall be granted by any Resident Magistrate for the marriage of any person, not being a widower or widow, under the age of twenty-one years, unless and until there be produced to such Magistrate the written consent of the parents or guardians, or other person (if any) whose consent is required by Law, or order of the Chief Justice of the Colony, granted in terms of the Seventeenth Section of Her Majesty's Order in Council, dated the 7th day of September, 1888.

Questions may be put before granting license.

5. Any Resident Magistrate to whom application shall be made for any such special license as aforesaid may put to both or either of the parties intending marriage all such questions as shall be relevant and necessary for determining whether there be or be not any lawful impediment to such marriage, and may refuse to grant such license unless satisfactory answers shall be given.

Offences and penalties.

6. Whoever shall commit any of the following acts or offences, shall, upon conviction, be liable, at the discretion of the Court, to be imprisoned, with or without hard labour, for any term not exceeding five years :—

- (1) Make any declaration such as is referred to in the third section of this Law, for the purpose of obtaining a license to marry, containing any wilfully false statements as to any facts therein alleged.
- (2) Make any wilfully false statement in answer to any question put by any Resident Magistrate under the provisions of the Fifth Section of this Law, as to any fact material to be ascertained.
- (3) Forge or fraudulently alter any consent or writing purporting to be a consent to the marriage of any person being a minor under the age of twenty-one years.
- (4) Forge or fraudulently alter any license of marriage.

Supreme Court to have jurisdiction.

7. All offences under this Law shall be tried before the Supreme Court or any Circuit Court of this Colony.

Short title.

8. This Law may be cited for all purposes as "The Marriage License Law, 1889."

Marriage Licenses.

THE FIRST SCHEDULE.

MARRIAGE LICENSE LAW, 1889.

It having been made to appear that there does not exist any
legal impediment to A.B., of _____ in the Division of

{ Bachelor } and C.D., of
{ Widower }
in the Division of
{ Spinster } being joined
{ Widow }

together in wedlock : License is hereby given to their being united in marriage by any minister of the Christian religion within the Colony, who could by virtue of the Order of Her Majesty in Council bearing date the 7th day of September, 1838, have solemnized such marriage, in case banns thereof had been duly published, or by any other duly constituted marriage officer : Provided that such marriage be celebrated within three months from the date hereof.

Given under my hand at _____ this
day of _____, 18 .

Resident Magistrate for the Division of _____

THE SECOND SCHEDULE.

I { John Smith } (usual place of residence and occupation)
{ Mary Jones }
do solemnly and sincerely declare as follows :—

- (1) That I am a { Bachelor or Widower } and am (under
{ Spinster or Widow }
or above as the case may be) the age of twenty-one years.
- (2) That I have no knowledge of any just impediment or lawful objection by reason of any kindred relationship, or alliance of any former marriage, or the want of consent of parents or guardians, or any other lawful cause whatever, to my being married to { Mary Jones } of (usual place of
{ John Smith } residence) and in case of the bride, add : Daughter of John Jones, of (usual place of business and occupation), and I make this solemn declaration, conscientiously believing the same to be true, and with full knowledge that any wilfully false statement herein contained will render me liable to imprisonment with hard labour for a term not exceeding five years.

Marriage Licenses.—Customs.

Declared at

this

day of

Before me

Given at Government House, Natal, this 26th day of
June, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 8, 1889.

(Signed) C. B. H. MITCHELL.

To amend Ordinance No. 6, 1855, entitled "Ordinance for the general management and regulation of the Customs in the District of Natal."

Preamble.

WHEREAS it is expedient to provide in certain cases for the unloading of goods from ships at Port Natal prior to the entries thereof being passed by the importers, and for that purpose to amend Ordinance No. 6, 1855 :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Collector of Customs may grant permission for any goods to be landed before entries thereof are passed.

1. It shall be lawful for the Collector of Customs upon the application of the Master or Agent of any ship arriving at Port Natal, for the purpose of facilitating the despatch of such ship, to grant permission for any goods to be landed from such ship before the importers' entries thereof shall have been passed, and for the immediate removal of such goods to some suitable building to be approved by the Collector of Customs as a temporary warehouse for the reception thereof; which building shall be secured under Customs Locks, and for such goods there to remain until released on due entry thereof according to the provisions of the Ordinance No. 6, 1855.

Sufficient guarantee shall be handed in by Agent to the effect that such goods will be removed within seven days.

2. Every application for the landing of any goods as aforesaid shall be accompanied by a sufficient guarantee in writing by the Agent of the ship to the effect that in default of entry by the Importers of such goods within seven days from the date of the Master's Report Inwards of such ship, all unentered goods then remaining in such warehouse shall be forthwith removed to the Queen's Warehouse, by and at the expense of the Importer.

Save where repugnant to this Law, Sec. 31, Ord. 6, 1855, to be applicable.

3. Save so far as is in this Law otherwise expressly provided, the provisions of Section 31, of Ordinance No. 6, 1855, shall apply to and in respect of all goods for the landing whereof permission shall be granted under the provisions of this Law.

Customs.—Colonial Industries.

4. In the case of any ship carrying Her Majesty's Mails whose time may be limited by the conditions of the contract for the carriage of such mails, application to discharge any goods under the provisions of this Law shall be held to include the breaking bulk and discharge of cargo prior to the Master's Report being made as required by Section 25 of Ordinance No. 6, 1855.

Ships carrying Her Majesty's mails.

5. In the event of its being shown by the Agent of any ship that there are not any buildings at the Port of Port Natal available as temporary warehouses for goods sought to be landed under the provisions of this Law, then and in such case it shall be lawful for the Collector of Customs to accept any other warehouse for the storage of such goods as may be described by the Agent in his application and approved of by the said Collector of Customs: Provided that such Agent shall first enter into a Bond to the satisfaction of the Collector of Customs for the payment of such a sum as he may determine, the condition of which Bond shall be that the goods to be so landed from the ship named in the Bond shall be conveyed forthwith to the warehouse specified in the Bond and no such goods shall be delivered unless released by order of an Officer of Customs; and further, that any package or packages shall be conveyed to the Queen's Warehouse at any time when required by the Customs Department.

If no building available as warehouses for goods at the Port, Collector of Customs may accept any other warehouse for the storage of such goods.

Proviso: The agent shall enter into a bond.

6. It shall be lawful for the Collector of Customs, at the request of the Master or Agent of any ship to accept, in lieu of the Bond specified in the preceding clause, a Cash Deposit of an amount to be fixed by the Collector of Customs as security for the fulfilment of the conditions specified in the preceding section, and in such case the said conditions shall be included in the Guarantee in Section 2 of this Law mentioned.

In lieu of bond, Collector of Customs may accept a cash deposit.

Given at Government House, Natal, this 26th day of June, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 9, 1889.

(Signed) C. B. H. MITCHELL.

To make provision for encouraging by rewards Colonial Manufacturing Industries.

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Governor in Council from time to time to offer rewards for the encouragement of such manufacturing industries in Natal as he may consider to be upon public grounds deserving of such encouragement, and likely to prove of permanent public benefit to the Colony.

Governor may offer rewards for the encouragement of manufacturing industries.

Colonial Industries.

Rewards to be of money payments and not to exceed 50 per cent. upon the market value of the first production.

2. Such rewards shall be by way of money payments from the general revenue to *bona fide* makers of such commercial products from raw materials as are commonly included under the term "manufactures," and shall in all cases be made upon the basis of production of a considerable bulk or quantity within a given time, and in no case shall exceed fifty per centum upon the market value of the first production, the quantity and particulars of which are to be specified as set forth in the next succeeding section.

Notification of intention to offer rewards shall be made in the *Natal Government Gazette*. The first notification to be made not less than twelve months before the time for making any payment in terms thereof.

3. Notification of the intention to offer any reward shall be made in the *Natal Government Gazette* at least once a month for four consecutive months: the first notification to be made not less than twelve months before the time for making any payment in terms thereof. Such notice shall state that it is made subject to the provisions of the 4th Section of this Law, and shall specify sufficient particulars regarding the industries in respect of which the rewards are offered, the classes and quantities of goods required to be made, the time to be allowed for production of such goods, the values and the maximum amount to be offered in respect of any particular industry, and such other and further matters as may be proper to be specified.

Statement and particulars thereof shall be laid before the Legislative Council.

4. A statement of all rewards so offered and the particulars thereof, shall be laid before the Legislative Council of the Colony within fourteen days next after the notification thereof has been made, if the Legislative Council be then in session, otherwise, within fourteen days of the commencement of the then next ensuing session of the Legislative Council.

Statement to be approved, altered, or rejected within four weeks after the said statement has been laid before the Legislative Council.

If within four weeks after the day on which such statement shall have been laid before the Legislative Council, the said Council shall not as hereinafter provided approve, alter, or reject the same, the same statement shall be deemed to be confirmed, and shall be a sufficient authority to the Governor to cause payments to be made as previously notified.

Legislative Council may approve, alter, or reject the statement.

The Legislative Council may by resolution approve, alter, or reject the said statement at any time within four weeks after the same shall have been so laid before the said Council.

Government may cause payments to be made if statement approved or altered.

If so approved or altered such statement shall be sufficient authority to the Government to cause payments to be made in terms of the statement as so approved or altered.

No payments shall be made if statement rejected.

If rejected no payment shall be made in respect of the matters contained in such statement.

Notification of confirmation or otherwise of statement shall be made in the *Natal Government Gazette*.

In all cases whether the statement be confirmed or approved or altered or rejected by the Legislative Council, notification of such confirmation, approval, alteration, or rejection shall be made in the *Natal Government Gazette* once a week for four consecutive weeks, and in case of any alterations having been so made, the notification shall specify all such alterations.

Colonial Industries.—Harbour Board.

5. No payment shall be made in pursuance of any notification made under the provisions of the Third Section of this Law unless the statement above referred to shall have been submitted as aforesaid to the Legislative Council of the Colony, nor until six weeks shall have elapsed since the notification of the confirmation, approval, or alteration thereof.

Provision with regard to payment of rewards.

6. The Governor in Council may from time to time make, alter, or repeal rules and regulations for more effectually securing and carrying out the objects of this Law.

Governor may make, alter, or repeal rules and regulations.

Given at Government House, Natal, this 26th day of June, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 10, 1889.

(Signed) C. B. H. MITCHELL.

To confer increased powers upon the Natal Harbour Board.

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. Sub-section (c) of Section 21 of Law No. 29, 1880, shall be amended so as to include among the powers thereby conferred upon the Natal Harbour Board the following further power, that is to say :—

Sub-Sec. (c) of Sec. 21, of Law No. 29, 1880, amended.

To license as ferrymen such fit and competent persons as may be approved by the Board to ferry or ply with boats for hire upon the public waters of the Bay of Natal.

No person other than a ferryman licensed as aforesaid shall carry passengers for hire on the public waters of the Bay of Natal with any rowing boat, sailing boat, or steam ferry boat.

Every such ferryman's license as aforesaid shall expire on the 30th day of June or the 31st day of December next following the date of issue.

2. The following item shall be added to the Schedule to Law No. 29, 1880 :

Schedule to Law No. 29, 1880, amended.

Ferryman's license, £1.

3. It shall be lawful for the Natal Harbour Board to agree with the lessee of any land with which, or with the rents of which the said Board is endowed, by the 16th Section of Law No. 29, 1880, for the transfer of the freehold of such land to the lessee, upon such terms and conditions as may be mutually agreed upon. In computing the purchase price to be paid in respect of the purchase of the land, reasonable allowance shall be made to the lessee in respect of

Board may enter into agreement with lessee of land for the transfer of the freehold of such land.

Harbour Board.—Fraudulent Marks on Merchandise.

permanent improvements and building upon the land, which may have been made or erected during the currency of the lease, or of any lease of which the same may be a renewal, and which shall not at any previous time have been vested in the said Board : Provided that the Natal Harbour Board shall only deal with applications for conversions of land situate within areas approved by the Governor in Council, as areas proper to be dealt with under this Law.

Proviso.

Proceeds to be applied according to provisions of Sec. 18, of Law No. 29, 1880.

Construction of Law.

4. The proceeds of all such sales as aforesaid shall be applied according to the provisions of Section 18 of Law No. 29, 1880.

5. This Law shall be read together with Law No. 29, 1880, as one Law.

Given at Government House, Natal, this 26th day of June, 1889,

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 11, 1889.

(Signed) C. B. H. MITCHELL.

To amend Law No. 22, 1888, entitled Law "To amend the Law relating to Fraudulent Marks on Merchandise."

BE IT ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Sub-sec. (1) of Sec. 13, of Law No. 22, 1888, amended.

1. Sub-section (1) of Section 13, of Law No. 22, 1888, shall be and the same is hereby amended by the insertion therein, after the words "any manufacturer, dealer, or trader in the" occurring in the third line thereof, of the words "United Kingdom or the".

Sub-sec. (4) of Sec. 13, of Law No. 22, 1888, amended.

2. Sub-section (4) of Section 13 of Law No. 22, 1888, shall be and the same is hereby amended by the insertion therein, after the words "the name of a place in the" occurring in the second and the fifth lines thereof, of the words "United Kingdom or the".

Sec. 18, of Law No. 22, 1888, amended.

3. Section 18 of the said Law No. 22, 1888, shall be amended so as to include a reference to the Law No. 9, 1864, in place of Law No. 9, 1884, as is therein recited.

Given at Government House, Natal, this 26th day of June, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

O.F.S. Railway Convention.

LAW No. 12, 1889.

(Signed) C. B. H. MITCHELL.

To authorise the Governor of Natal to enter into and conclude a Convention with the Orange Free State for the Construction of a Railway.

WHEREAS it is expedient to empower the Governor of Natal to enter into a Convention with the Orange Free State for the construction of a Line of Railway within the said Orange Free State: Preamble.

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Governor of Natal is hereby authorised to enter into and conclude a Convention or Agreement with the Orange Free State for the construction, equipment, working, and maintenance of a line of Railway within the Orange Free State, from a point commencing by a junction with a Natal line of Railway, at or near to Van Reenen's Pass, and terminating at the town of Harrismith. Governor authorised to enter into Convention or agreement with O. F. State.

2. The said Convention or Agreement shall contain such terms, conditions, and stipulations as may be mutually agreed upon between the contracting parties. Convention or Agreement to contain terms, &c.

3. The conditions set forth in the Schedule hereunto annexed shall form as near as may be the basis of the terms, conditions, and stipulations to be adopted and enacted in such Convention. Conditions set forth in Schedule shall form as near as may be the basis of the terms, &c.

SCHEDULE.

- (a) The Natal Government undertakes to construct the said Line at its own cost without any guarantee of interest on the part of the Government of the Orange Free State, and is prepared to conform, by a Convention to be entered into between the two Governments, to such conditions as may be mutually agreed upon.
- (b) The Natal Government undertake to maintain and work the said line at its own risk and expense, and to hand over to the Government of the Orange Free State one-half of the profits derived from the working of the said Line, over and above the cost of working, maintenance, and interest on capital; interest being calculated at a rate not exceeding four per centum (4 per cent.) per annum.
- (c) Whenever the Government of the Orange Free State shall deem it expedient to assume the ownership of the Line, and work and maintain the same at its own risk and expense, the Government of this Colony is prepared to hand over the Line in good condition and repair, on the

O.F.S. Railway Convention.

Government of the Orange Free State paying to the Natal Government the actual cost price of the Line and its equipment : Provided that the Government of the Orange Free State shall not be at liberty to take over part of the Line only.

- (d) The Natal Government consents to the Orange Free State subscribing to such proportion of the loan, required for the construction, as may be mutually agreed to ; such amount of the Free State subscription to be taken as a set-off against the cost of the Line in the event of the said Government taking over the line, as provided for in Section c of this tender.
- (e) In the event of the Orange Free State Government taking over such line to maintain and work on its own account, and at its own risk, as provided for in Section c of this offer, and should the Free State Government at any time subsequent to such resumption of such Line, deem it expedient again to dispose of such Line, either by sale, lease, or concession, the offer of such subsequent sale, lease, or concession shall first be made to the Government of this Colony.
- (f) In the event of this tender being accepted by the Government of the Orange Free State, the Natal Government undertakes to have the Line from Van Reenen's Pass to Harrismith open for public traffic within twelve months from the date on which the Line from Ladysmith to Van Reenen's Pass is available for the conveyance of materials.
- (g) The Natal Government undertakes that the tariff for goods and passengers upon this Line shall not exceed the charges which may from time to time be in force on the Natal Government Railways.
- (h) All materials for the construction and equipment of any Railways constructed in the Orange Free State by the Natal Government shall be carried over the Natal Government Railways at the same charges as may, for the time being, be in force for the conveyance of materials for the construction and equipment of Railways within the Colony of Natal. The fares charged for the conveyance over the Natal Government Railways of officers and men, required for such Railways in the Orange Free State, shall not exceed one-half the ordinary passenger fares charged on the Natal Government Railways

Given at Government House, Natal, this 8th day of July, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HUME,
Acting Colonial Secretary.

Ear-marks.

LAW No. 13, 1889.

(Signed) C. B. H. MITCHELL.

To prevent the practice of cutting the ears of certain animals for the purpose of making or obliterating distinguishing earmarks.

BE IT ENACTED by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. It shall not be lawful for any person to cut off or remove the ear of any sheep, goat, horse, donkey, mule, or any animal, for the purpose of a private mark.

Ears of animals not to be cut off or removed for purposes of private marks.

Any person contravening this section shall be liable to a penalty not exceeding Five Pounds.

Penalty on contravention.

2. Any person, who shall cut off or remove the ear, or any portion thereof, or shall pierce or stump the ear of any sheep, goat, horse, donkey, mule, or any animal belonging to the class of horned cattle, being the property of any other person, with the intention of obliterating or removing any private mark, or in such a way as would obliterate the private mark thereon, shall be liable to a penalty of any sum not exceeding £50, or to imprisonment with or without hard labour, not exceeding one year, or to both fine and imprisonment.

Penalty for obliterating or removing private marks.

3. All contraventions of this Law shall be cognisable in any Court of any Resident Magistrate, of any Division in which the offender shall be found, or where the offence shall have been committed.

Contraventions cognisable in Resident Magistrate's Courts.

4. When any animal, such as is in this Law referred to, shall be found to have had its ears cut, slit, stumped, or otherwise marked in contravention of this Law, the owner, or the person in whose possession such animal may be, shall be deemed to be the person who has so contravened this Law, unless he shall prove to the satisfaction of the Court that such cutting, slitting, stumping, or marking, has been done without his privity or consent.

Ownership of animals defined for purposes of this Law.

5. Nothing in this Law contained shall be deemed to apply to or in respect of any act done before this Law shall have come into operation.

Not to be retrospective.

Given at Government House, Natal, this 23rd day of July, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,

Acting Colonial Secretary.

UU

Tolls.—Natal Bank.

LAW No. 14, 1889.

(Signed) C. B. H. MITCHELL,

To repeal Law 14, 1878, Law 18, 1882, and Law 30, 1888.

Preamble:

WHEREAS it is expedient to repeal Law 14, 1878, entitled "Tugela Bridge Toll Law;" Law 18, 1882, entitled "Bridges Tolls Law," and Law 30, 1888, entitled "To amend Law No. 14, of 1878, and Law No. 18, of 1882:"

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Law No. 14, 1878,
Law 18, 1882,
and Law 30, 1888,
repealed.

1. The Tugela Bridge Toll Law, 1878; the Bridges Toll Law, 1882; and the Law No. 30, 1888, entitled "Law to amend the Law 14, 1878, and the Law 18, 1882," shall be and the same are hereby repealed.

Commencement
of Law.

2. This Law shall commence and take effect on and after the 31st day of December, 1889.

Given at Government House, Natal, this 23rd day of July, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 15, 1889.

(Signed) C. B. H. MITCHELL.

To amend The Natal Bank (Limited) Law, 1888.

Preamble.

WHEREAS it is expedient to expunge certain words occurring in Section Six of "The Natal Bank (Limited) Law, 1888."

Be it therefore enacted by the Administrator of the Government of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Section 6 of Law
43, 1888, amended

1. In Section Six of "The Natal Bank Limited Law, 1888," the words "and with such rights and privileges annexed thereto," in the line six of said Section occurring shall be and the same are hereby expunged.

This Law and
Law 43, 1888, to
be construed
together.

2. This Law shall be read and construed as one with "The Natal Bank (Limited) Law, 1888."

Given at Government House, Natal, this 23rd day of July, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

Rape and Indecent Assault.

Law No. 16, 1889.

(Signed) C. B. H. MITCHELL.

For making further Provision for the Service of the Year 1888.

Law No. 17, 1889.

(Signed) C. B. H. MITCHELL,

To amend Law No. 27, 1887.

BE IT ENACTED by the Administrator of the Government of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Law may be cited as the “ Prevention of Rape and Indecent Assaults Amendment Law.” Short title.

2. Section 2 of Law 27, 1887, entitled Law “ To regulate and define the punishment for the crimes of Rape and Assault with intent to commit Rape, and of Indecent Assault,” is hereby repealed, and instead thereof it is hereby enacted that every person convicted of the crime of Assault with intent to commit a Rape shall be liable to imprisonment with or without hard labour for any period not exceeding ten years, and with or without a flogging of so many lashes as the Court may see fit to be inflicted and order to be inflicted.

Section 2 of Law
27, 1887, repealed

Given at Government House, Natal, this 23rd day of
July, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,

Acting Colonial Secretary.

Law No. 18, 1889.

(Signed) C. B. H. MITCHELL.

For making further Provision for the Service of the Year 1889,

Volunteers.

LAW No. 19, 1889.

(Signed) C. B. H. MITCHELL.

To amend Law No. 19, 1888, entitled Law "To repeal and re-enact with amendments the Law No. 27, 1885, entitled Law 'For the better regulation of the Volunteer Force in the Colony of Natal.'"

BE IT ENACTED, by the Administrator of the Government of of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Section 27 of
Law No. 19, 1888,
repealed.

1. Section 27 of Law No. 19, 1888, is hereby repealed, and there shall be substituted therefor the following :—"The relative rank of Volunteer Officers, when serving with Officers of the Regular Forces, shall be governed by the provisions of Paragraph 12, Section II. of the Queen's Regulations and Orders for the Army, or by the similar provisions of such other Regulations as may for the time being take the place of those above mentioned."

Section 12 of
Law 19, 1888,
amended.

2. There shall be added after Section 12 of Law 19, 1888, the following clause :

With respect to the discipline of Officers and Members of the Volunteer force, the following provisions shall take effect and be in force when such Volunteers are on actual military service with any part of Her Majesty's regular forces, that it to say: The provisions of the 177th Section of the Imperial Statute, known as the Army Act, 1881, of which said section a copy is contained in the Schedule of this Law, shall extend and apply to such Officers and Members of the Volunteer Force, and such Officers and Volunteers shall be subject to the provisions of the said Army Act, 1881, as is in the 177th Section thereof provided, and shall also be entitled to the benefits thereof in all respects as the Officers and Soldiers of Her Majesty's Army for the time being are, such benefits being claimable in the case of such Volunteer Force from the Colonial Government in the same way as in the case of Officers and Soldiers of Her Majesty's Army the same are claimable from the Imperial Government.

SCHEDULE A.

44 and 45 Victoria, Cap. 58.

Section 177. Where any force of Volunteers, or of Militia, or any other force is raised in India or in a Colony, any law of India or the Colony may extend to the officers, non-commissioned officers, and men belonging to such force, whether within or without the

Volunteers.

limits of India or the Colony ; and where any such force is serving with part of Her Majesty's regular forces, then so far as the law of India or the Colony has not provided for the government and discipline of such force, this Law and any other Law for the time being amending the same shall, subject to such exceptions and modifications as may be specified in the general orders of the general officer commanding Her Majesty's forces with which such force is serving, apply to the officers, non-commissioned officers, and men of such force, in like manner as they apply to the officers, non-commissioned officers, and men respectively mentioned in the two preceding sections of this Law.

SCHEDULE B.

Extract from the Queen's Regulations and Orders for the Army, 1888.

SECTION II.—RELATIVE RANK.

* * * *

Para. 12.—The following are the rules by which the relative rank of the Officers of the Regular Forces, Marines, Militia, Yeomanry-cavalry, and Volunteer Corps, is to be determined :—

* * * *

- (d) All Officers of Yeomanry-cavalry and Volunteer Corps, when serving with Officers of the Regular, Marine, and Military Forces, rank as juniors of their respective ranks.

Given at Government House, Natal, this 23rd day of July, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 20, 1889.

(Signed) C. B. H. MITCHELL.

For providing a sum not exceeding £592,286 7s. 2d., for the Public Service of the Colony during the first half of the year 1890.

North Coast Line of Railway.

LAW No. 21, 1889.

(Signed) C. B. H. MITCHELL.

To empower the Governor to make, maintain, and equip certain Extensions of the North Coast Line of Railway.

WHEREAS it is expedient that the Railways hereinafter described should be constructed :

And whereas it is expedient that the Governor should be empowered to construct, either departmentally or by a contract, or in both of such ways, certain extensions of the North Coast Line of Railway from Verulam to Stanger :

And whereas it is expedient that the Governor should be empowered to enter into a contract or contracts for the supply of all permanent way materials required for the said Extensions of Railway, and to provide either by contract or departmentally all Station Works and Telegraphs required for the said Extensions of the North Coast Line of Railway, and also to maintain, equip, and work the said Extensions of the North Coast Line of Railway, and that certain powers and authorities should be conferred on the Governor in relation to the construction, maintenance, equipment, and working of the said Railway :

And whereas certain plans showing generally the direction and route of the said Railway have before the passing of this Law been deposited at the office of the Clerk of the Legislative Council :

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Law may be cited as “ The North Coast Railway Extension Law, 1889.”

2. In this Law the expression “ The Governor ” means and includes the Governor or other officer administering the Government of Natal for the time being, and the expression “ The Railway ” means the line of Railway by this Law authorised to be constructed.

3. The Governor and his successors shall be a corporation for the purposes only of this Law, and for those purposes shall be entitled and competent to take, hold, and dispose of lands and other property.

4. “ The Lands Clauses Consolidation Law, 1872,” is, except as expressly varied by this Law, incorporated with and forms part of this Law.

5. The Governor may make and maintain in the lines according to the deposited plans, or in such of the lines and with such deviations from the deposited plans as the Governor shall think desirable, while preserving the general direction of the Railway as shown on the same plans, the Railway hereinafter mentioned, with all proper stations, sidings, approaches, passing places, electric telegraphs, signals, works, and conveniences connected therewith respectively ; and

North Coast Line of Railway.

may so make and maintain the same upon such of the lands shown in the deposited plans, or upon such other lands as may be required for the purpose ; and may enter upon, take, and use permanently or temporarily all such lands, as aforesaid, as may be so required. All waste lands of the Crown which may be required for the Railway, or any purpose connected therewith, may be taken and used without any charge or payment for the same.

6. The Railway authorised by this Law is as under :

A line of Railway commencing by a junction with the existing line of Railway at Verulam, and terminating at a point at or near to the town of Stanger.

7. The Governor is hereby empowered to construct the Railway, or any part or parts thereof, either departmentally or by a contract or contracts, or partly in the one way and partly in the other, according as he shall deem it to be most expedient.

8. For the purposes of the construction of the Railway or any part thereof by contract, the Governor may enter into a contract or contracts for the execution of the works required for the abovementioned Railway, that is to say :—

- 1st. For the construction of the whole of the works required for the above-mentioned line up to formation level, and including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion.
- 2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.
- 3rd. For the provision and erection of all stations, station works, and works accessory thereto.
- 4th. For the purchase and erection of all electric telegraph material.

Provided that it shall be lawful for the Governor to fix and appoint the several sections to be constructed under any such contract, and the time to be allowed for their construction.

9. The railways shall be constructed as single lines on the gauge of 3 feet 6 inches, but the Governor may from time to time cause double lines to be constructed at such place or places on the course of the said Railways as he may think expedient.

10. The Railways shall in respect of all Crown Lands heretofore alienated and granted by the Government in quit-rent, or freehold, or leasehold, or any other tenure whatsoever, and in or over which the Railways or any part thereof shall be made, be deemed to be roads made or to be made for the public good by order of Government, and accordingly the proprietors of such land shall not, except in the cases provided in their several title deeds, leases, deeds of grant, or other documents of title, be entitled to any compensation for the land taken for the purposes of the Railways, and the proprietor, lessee, or

North Coast Line of Railway.

other holder of such land so taken for Railway purposes shall, when called upon so to do, duly transfer to the Colonial Government, for the purposes of the Railway, and for that purpose shall sign and execute all such deeds and documents as may be requisite and necessary to transfer all his right, title, estate, and interest in and to the said land and the dominion thereof, and such transfer, in accordance with the formalities required by Law and the practice affecting the registration of deeds in the office for the Registry of Deeds, shall in all respects be passed and executed by and at the cost of the Government, and in the event of the said land, or any right, title, or interest therein being mortgaged or hypothecated, the consent of the mortgagee to such transfer shall in no case be requisite or necessary, and the land so transferred and all right, title, estate and interest therein, shall be vested in the Colonial Government absolutely free and unencumbered: Provided that such portions of the Town Lands of the Township of Verulam as are not now alienated shall be deemed for the purposes of this Law to be Crown Lands heretofore granted, over which the Colonial Government has reserved the right to make roads for the public good by order of Government.

11. The Governor may employ all engineers, clerks, workmen, and other persons for the purposes of the said contract or contracts, and for superintending the construction and maintenance thereunder of the Railway, and for the maintenance and working of the Railway until six months after completion, and pay to all or any such persons such salaries, wages, or remuneration as may from time to time be voted by the Legislative Council.

12. The Governor may provide all workshops, materials, plant, engines, rolling stock, machinery, and other things which he may consider requisite for the maintenance, equipment, and working of the Railway, or otherwise necessary or desirable in relation thereto.

13. All materials, plant, engines, rolling-stock, and other things imported into the Colony from time to time, for the construction, maintenance, equipment, or working of the Railway, or for any purpose connected therewith, shall be free of import duty.

14. The railway and electric telegraphs, and all stations, lands, works, property, and things belonging thereto or held in connection therewith, shall be for ever exempt from all highway, municipal, police, and other local rates and taxes now or hereafter to be made or imposed.

15. The Governor, with the advice of the Executive Council, may, from time to time, appoint some fit person or persons to carry into effect the purposes of this Law, and may delegate to him or them all or any of the powers and authorities hereby conferred on the Governor, and may, from time to time, remove any person so appointed, and appoint another person in his stead.

16. The Governor shall not be personally liable for any loss or damage arising from or caused by anything done under the authority of this Law.

North Coast Line of Railway.—Inferior Courts.

17. This Law shall commence and take effect from such date as may be fixed and determined by resolution carried in the ordinary session of the Legislative Council in 1890.

Given at Government House, Natal, this 24th day of July, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

LAW No. 22, 1889.

(Signed) C. B. H. MITCHELL.

For the Establishment and Regulation of Inferior Courts of Justice.

WHEREAS it is expedient to amend and consolidate the Laws relating to the Courts, jurisdiction, powers, duties, and divisions of Resident Magistrates :

Preamble.

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Repeal of Ordinances and Laws.

1. The Ordinances and Laws enumerated in the Schedule of this Law shall be, and are hereby repealed, without prejudice to any act or thing done or proceedings instituted under the authority thereof, or to any proclamation, appointment, rules, or orders made or published under any of the said Ordinances and Laws, all of which, save so far as they may contain anything contrary to the provisions of this Law, shall have effect and be of force until the completion, alteration, or repeal thereof, as is provided by this Law.

Ordinances and Laws enumerated in the Schedule repealed.

Interpretation of Terms.

2. In the construction of this Law the following terms shall, unless inconsistent with the context or subject matter, have the following meanings assigned to them, that is to say :

Interpretation of terms.

“Division” shall mean that District or portion of the Colony appointed or established by the Governor as a Magisterial Division, and within which each Magistrate is to exercise his ordinary powers of jurisdiction.

Division.

“Court” shall mean the place or places appointed by the Governor for the trial in public of any matter, criminal or civil, by the Magistrate.

Court.

Inferior Courts.

- Magistrate.** "Magistrate" shall mean the officer appointed by the Governor to exercise judicial power under this or any special Law within the Division, or the person appointed by the Governor to act as such, or any Assistant Magistrate.
- Jurisdiction.** "Jurisdiction" shall mean the limit within which any Magistrate shall exercise the powers conferred upon his office by this or any other Law, whether relating to territory or to crimes and offences, or to punishments, or to debts or to other civil complaints, or to orders or appointments, or to other matters necessary to give full and complete effect to his function and duties.
- Appeal.** "Appeal" shall include review, and shall mean the proceedings taken in bringing any sentence, judgment, or order of a Magistrate before the review or notice of the Supreme or any Circuit Court for correction, reversal, variation, or otherwise.

Creation of Divisions and Appointment of Officers.

- Establishment and alteration of Divisions.** 3. For the better and more convenient and effectual administration of justice, it shall and may be lawful for the Governor from time to time to divide the Colony of Natal into Divisions, and to declare the names by which such Divisions shall be known, to fix and alter, if necessary, the limits and boundaries of the same, and to increase or decrease as may be desirable the number of such Divisions; and the Governor is further empowered to appoint the places in such Divisions where ordinary and occasional Courts shall be held, with power to alter the same and appoint others for the like purpose, and also to appoint Magistrates, who shall preside over such Courts and administer justice therein.
- Appointment of places where Courts may be held.**
To be published in the Government Gazette.
Where Courts may be held. 4. The creation and establishment of any such Division, together with the limits, name, and seat of Magistracy thereof, and the places where Courts are to be held therein, shall be declared and published by the Governor by proclamation in the *Government Gazette*. There shall be one Central or principal Court in each Division, and as many places for the holding of occasional or Branch Courts as in the opinion of the Governor the exigency of each Division may require.
- Officers to be appointed by the Governor.** 5. The officers to preside at such Courts and to exercise judicial powers and to administer justice within such Divisions shall be appointed by the Governor, and shall be called Magistrates, and may be stationed in any Division which the Governor may determine and may be moved therefrom and appointed to another, or otherwise as to the Governor may seem desirable.

Constitution and Nature of Courts.

- Constitution and Officers of Courts.** 6. The Magistrates' Courts already or hereafter to be established shall be fully constituted by the Magistrate sitting or presiding without colleague, assistant, or assessor, and the other officers of the Court may be a Clerk and a Messenger, who shall be appointed by the Governor, provided that whenever the Messenger needs assistance for the service of the process of the Court within his Division,

Inferior Courts.

the Magistrate of such Division is empowered and required to appoint a Deputy Messenger by endorsement upon the process or by a separate writing.

Jurisdiction and Procedure in Criminal Cases.

7. The Magistrates shall have jurisdiction in all cases of crimes and offences committed within their Divisions, with the exception of High Treason, Murder, Culpable Homicide, Rape, and Assault with intent to commit Murder or Rape, or Assault in which a wound or injury is inflicted which has caused serious bodily harm, Arson, Housebreaking with or without intent to commit any crime, Theft of Stock, and any other crime for the trial of which special Courts have been or shall hereafter be appointed: Provided always, that when any crime or offence of such a nature as to be within the jurisdiction of the Magistrates shall be committed on the boundary or boundaries of two or more Divisions, or within two miles of any such boundary, or shall be begun in one Division and completed in another, every such crime or offence may be dealt with, enquired into, tried, and determined, and the offender punished by the Magistrate of any of the said Divisions in the same manner as if it had been wholly committed therein.

Crimes excluded from Magistrate's jurisdiction.

Jurisdiction extends two miles beyond the boundary of each Division.

8. When any crime or offence within the jurisdiction of the Magistrate shall be committed upon any person, or on or in respect of any property, in or upon any vehicle whatever when on any journey or on board any vessel whatever employed upon any waters within the Colony of Natal, such crime or offence may be dealt with, enquired into, tried, and determined, and the offender punished by the Magistrate of any Division through which such person, vehicle, or vessel shall have passed in the course of the journey or employment during which such crime or offence shall have been committed, in the same manner as if it had been actually and wholly committed in such Division.

Offences triable in any Division through which the person committing such offences may have passed.

9. It shall not be lawful for the Magistrates (except in cases where greater jurisdiction may be conferred by special Laws) to sentence or adjudge any person convicted of any crime or offence before their Courts to any higher sentence or punishment than the following, that is to say: To pay a fine of Twenty Pounds, to be imprisoned with or without hard labour for a period of six months, to receive privately in prison a whipping of twenty lashes, or the like number of strokes with a cane or rod. In the discretion of the Magistrate imprisonment and whipping may be joined and form part of the same sentence, or any one of the said classes of punishment may be awarded alone; or imprisonment may be awarded in conjunction with a fine as an alternative punishment, or by way of default in the payment of any fine. Where any convicted person has been committed to prison, or has been detained in custody merely for the non-payment of a fine imposed upon him, payment of the same during any part of his imprisonment shall entitle such person to immediate release from custody.

Power of Magistrates as to punishment.

Inferior Courts.

Females not to be whipped.

10. No female shall be sentenced to receive a whipping, nor be put to hard labour on any road or public place.

Punishment of juvenile offenders.

11. As often as any male not exceeding the age of fourteen years shall be convicted of any crime or offence, and shall be sentenced to receive a whipping in private, it shall be in the discretion of the Magistrate to request the father, reputed father, or guardian of such convicted person, or to direct any other person to inflict the said punishment, which punishment shall not exceed ten strokes with a cane or rod, and shall be carried out in private at a place and before a suitable person, to be selected by the Magistrate, to witness the administration of such correction. The ages of juvenile offenders so dealt with shall be determined by the Magistrate by sworn testimony, or by enquiry, or by the appearance of the offender.

Proceedings in event of non-payment of fines without alternative.

12. When a fine has been imposed without an alternative punishment, it shall be lawful for the Clerk of the Court, should such fine remain unpaid for a period of three days, to issue a warrant addressed to the Messenger of the said Court, authorising and directing him to levy upon the goods and chattels, except his bedding and tools of trade or occupation, if any, of the convicted person wherever found within the Colony for the amount of the fine, and for the costs and expenses of the warrant, and of the attachment and sale thereunder. The manner of executing such warrant and of effecting an attachment and sale, shall be the same as in writs of execution in civil cases, and such warrants shall remain in force until the fine and costs be fully paid or lawfully remitted, or until such warrant and sentence be set aside or suspended on appeal.

Fines to be paid into Treasury unless otherwise provided.

13. All fines imposed by any Magistrate shall, unless where otherwise directed or provided, be when paid accounted for by the Magistrate to the Treasury for the use of the Government of this Colony.

Certain sentences to be submitted to one of the Judges of the Supreme Court for consideration, approval, and confirmation.

14. Every sentence exceeding a fine of £10 or imprisonment for three months, or a whipping of fifteen lashes or strokes, shall be submitted to one of the Judges of the Supreme Court for his consideration, approval, and confirmation, and for such purpose the Magistrate pronouncing such sentence shall forthwith transmit a copy certified by his Clerk or by himself, of all documents exhibited, proceedings taken, and evidence given before him, to the Registrar of the Supreme Court, who shall lay the same before such Judge, and the Judge to whom the proceedings are submitted is hereby empowered to consider the proceedings, to call for further explanation upon any point, to direct the proceedings to be brought before the Supreme Court, or to set aside, reduce, vary, or confirm the sentence and punishment awarded in such manner as to the said Judge may appear consistent with proper procedure and real and substantial justice, and every order or direction in connection therewith shall be endorsed by the Judge upon, or appended to the proceedings, and shall be entered by the Magistrate's Clerk in the Criminal Record Book, and become the judgment of the said Magistrate's Court,

Certified copy of evidence, &c., to be forwarded to the Registrar of the Supreme Court.

Inferior Courts.

provided that no order or direction of the Judge shall prevent an appeal to the Supreme Court either upon the action of the Judge or upon the proceedings before the Magistrate.

No order or direction of a Judge shall prevent an appeal.

15. Where any sentence requires the confirmation of a Judge of the Supreme Court, the person sentenced may be allowed to be at liberty upon giving security to the satisfaction of the Magistrate that he will deliver himself up to judgment upon a day to be named in the recognizance or when summoned to do so, as the case may be, or should the Magistrate think fit, the convicted person may be detained in custody on a special warrant issued to the gaoler of the Division, authorising his detention, awaiting the confirmation or otherwise of the sentence.

Pending confirmation by a Judge, the person sentenced may be allowed to be at liberty upon giving satisfactory security.

16. Whenever it shall happen that a person upon whom a sentence of imprisonment is passed has been previously convicted of any crime or offence, and is already undergoing or about to undergo imprisonment for the same, it shall be lawful for the Magistrate to declare that such sentence shall take effect from the expiration of the current term of imprisonment, or from the expiration of the imprisonment under a previous sentence, and all sentences not so deferred shall be deemed to commence on the day they were passed.

Sentences on persons already undergoing, or about to undergo imprisonment.

17. Prosecutions for crimes and offences may be instituted and conducted by the Clerk of the Peace or other deputed representative of the Attorney-General in his discretion, or by any private party acting in conformity with Section 13 of the Ordinance No. 18, 1845, but not otherwise, and who is so connected with and affected by the alleged crime or offence as to come within the principle of the 14th and 15th Sections of Ordinance No. 18, 1845, and such prosecution shall be upon sworn information and summons, provided that where the prosecutor and the person accused shall be desirous of proceeding summarily, and the Magistrate approving of a summary hearing, the complaint may forthwith be recorded, heard, and determined, or adjourned to a future day as to the Magistrate may seem desirable in the interests of justice. In all cases of private prosecution the Court shall have the same jurisdiction as in cases of public prosecution, and shall also in addition to such jurisdiction have power in its discretion to award costs for or against the prosecutor, provided that all fines imposed and paid in cases of private prosecution, shall be accounted for by the Magistrate to the Treasury for the use of the Government of this Colony.

Prosecutions may be instituted by a public prosecutor or by a private party.

Jurisdiction of Court, the same in private as in public prosecutions.

Disposal of fines.

18. In any case of summary prosecution by a private party it shall be lawful for the Clerk of the Peace or other deputy of the Attorney-General at any stage of such prosecution to take up the prosecution at the public instance, or the Clerk of the Peace or other officer as aforesaid may apply by motion, founded upon an affidavit, to the Magistrate to stop all further proceedings in such case in order that a prosecution for the same crime or offence may be instituted at the public instance in some other form or Court, and such Magistrate shall thereupon make an order in terms of such motion.

Private prosecution may be stopped, and public prosecution ordered.

Inferior Courts.

Magistrates may stop further proceedings.

19. When in the course of any trial it shall appear to the Magistrate that the crime or offence under trial is from its nature or magnitude more proper for the cognizance of a Superior Court, the said Magistrate shall stop the trial and shall commence and take a preparatory examination under the provisions of Ordinance No. 18, 1845.

Magistrates may arrest, or cause to appear before their Court persons accused of violence, &c.

20. Where any person or persons shall be accused of violent conduct, or of using language or behaving in a manner likely to provoke a breach of the peace, or of threatening injury to the person or property of another, Magistrates are empowered upon sworn information or complaint to arrest, if necessary, the person or persons complained of, or to cause them by notice to appear before their Courts; and they are also hereby empowered to inquire into and determine upon such complaint, and in their discretion to require the accused persons to give security for any period not exceeding six months to keep the peace towards, and to refrain from injuring the property of, the complainant. And should any person, after being adjudged to give such security as aforesaid, refuse or fail to do so, the Magistrates are further empowered to direct the person or persons so in default to be committed to prison until such security be found, but no such imprisonment shall be for a longer period than six months. In all cases of assault or injury which may come before the Magistrates for trial, it shall be competent for the Magistrates, instead of awarding any of the punishments specified in the 9th Section of this Law, or in addition to such punishments, to direct that the convicted person give security to keep the peace and to refrain from committing any injury against the complainant. All such cases shall be duly recorded in the records of the Magistrates' Courts.

And may call on such persons to give security to keep the peace.

Penalty for refusing to enter into bond.

Jurisdiction and Procedure in Civil Cases.

Exceptions to jurisdiction in Civil matters.

21. The Magistrates shall not have jurisdiction or cognizance of any action or proceedings wherein the title to immovable property or to any duty or office is in question, and sought to be determined, or of any actions or proceedings to try the validity of any will or other testamentary instrument, or of any action whereby rights in future can be bound: Provided that any Magistrate may in the course of any action to recover damages for criminal conversation with the wife of the plaintiff, or for the value of necessities lawfully supplied to the wife of any person, determine upon or in regard to the fact of marriage, and provided also that any Magistrate may in the course of any action for necessities or maintenance lawfully supplied to the child, legitimate or illegitimate, of any person, determine upon the question of affiliation, if necessary, for the decision of such action, without thereby binding or being deemed to bind rights in future; and provided further that the evidence in every such case as in the preceding proviso is mentioned shall be recorded by the Magistrate, and that the same or a copy thereof, certified by the Magistrate or his Clerk, may be put in as proof by either plaintiff or

Magistrates may enquire into validity of marriages in certain cases.

Inferior Courts.

defendant in any subsequent action in the same or any other competent Court, between the same parties in which the matter in question in the former action shall again come into dispute.

22. The Magistrate of the Division of Durban shall have jurisdiction in all civil cases whatever (save as between Natives not exempted from Native Law, other than such cases as are hereinafter provided in Section 44 of this Law, and save also as in the previous section is mentioned) brought or instituted against any person, firm, company, board, society, or corporation, residing or being or carrying on business within the said Division, wherein the sum in dispute or debt or the damages shall not exceed the sum of Five Hundred Pounds.

Jurisdiction of the Magistrate for the Division of Durban.

23. All Magistrates (Durban excepted) shall have jurisdiction in civil cases (save as between Natives not exempted from Native Law, other than such cases as are hereinafter provided in Section 44 of this Law, and save also as in the 21st Section is mentioned) brought or instituted against any person, firm, company, board, society, or corporation residing or being or carrying on business within their respective Divisions, that is to say :

Jurisdiction of Magistrates other than Durban.

(a) Up to one hundred pounds, where the claim or debt is defined by and is founded upon any bond, bill of exchange, promissory note, good for, I. O. U. or other liquid document of debt, provided that no action shall be brought to recover the principal sum due under any bond, the security for which consists in whole or in part of immovable property.

(b) Up to fifty pounds where the claim is for damages, or where the claim or debt is illiquid in its character and is due upon contract, or for goods sold and delivered, or as balance of account or otherwise.

24. It shall be lawful for all Magistrates in actions where the sum claimed is in respect of the balance of an account, to enquire into and take evidence if necessary upon the whole account, even although it may represent and contain items and transactions exceeding the amount of their jurisdiction : Provided that no judgment shall be given for any sum, excluding costs, in excess of their jurisdiction.

Accounts exceeding jurisdiction may be enquired into.

25. It shall be lawful for all Magistrates in any action or proceedings to accept and enquire into and determine upon any plea of set-off, or compensation, or any claim in reconvention, irrespective of the amount of such set-off or claim in reconvention, whether the plaintiff shall or shall not succeed in proving his claim : Provided that any judgment in respect of such set-off, or compensation, or claim in reconvention, shall not exceed the jurisdiction of the Magistrate before whom the proceedings have been brought.

Plea of compensation, or set-off, or claim in reconvention may be enquired into irrespective of amount.

26. It shall not be lawful upon any action or by virtue of any judgment of any Magistrate's Court founded upon a claim for interest due upon a mortgage bond, the security for which is immovable property, to declare the security for such bond to be executable, or to issue a writ of attachment against the same ; Provided that in

Immovable property not to be declared executable.

Inferior Courts.

all cases of actions for the recovery of the principal sum or interest under any bond where the security consists of movable property, it shall be competent for the Magistrate to declare the same, wherever it may be within the Colony, to be executable and to be attached in satisfaction of the judgment.

Defendants must be summoned in the Divisions where they reside.

In certain cases leave may be given to sue the defendant out of his Division.

Magistrate may make orders for the payment of judgments by instalments.

Defendants may be examined respecting their estates, &c., &c.

If defendant should not appear when summoned, or refuse to be sworn or answer, &c.

Property fraudulently transferred, &c.

27. No person or firm shall be summoned to appear as a defendant or defendants in any civil action before the Court of any other Division than that in which he resides or the firm carries on the whole or part of its business unless by leave of the Magistrate of the Division wherein it is sought to institute the action, and no such leave shall be given unless the plaintiff or his duly authorised agent shall present to such Magistrate an affidavit setting forth the nature of the claim or debt, and that it was wholly or in part contracted or arose in the Division where the action is sought to be brought, and that the defendant or defendants resided therein, or that the firm carried on business therein within six months prior to the date of such affidavit.

28. In any case in which a final judgment has been given, the Magistrate may, upon the application of either party and in the presence of both, and at the time when judgment has been delivered or subsequently, whether a writ of execution has been taken out in respect of such judgment or not, make orders concerning the time or times and by what instalments any debt, or damages, or costs, or any balance thereof shall be paid, with or without security for the due payment thereof, as to such Magistrate shall seem proper. When making any such order the Magistrate may examine, or cause to be examined, the defendant upon oath touching his estate and effects and the manner in which he contracted the debt or incurred the damages or liability the subject of the action in which the judgment has been given, and as to the means, property, and expectations he had when the cause of action arose and subsequently, and as to the disposal he may have made of any property within the twelve months prior to such enquiry.

29. If any person against whom a personal judgment has been given shall, when duly summoned, not attend as required by such summons, or shall not prove sufficient cause for not attending, or shall if attending refuse to be sworn or to disclose any of the matters and things in the preceding section mentioned, or if he shall not make answer touching the same to the satisfaction of the Magistrate, or if it shall appear to the Magistrate either by the examination of the party or by other evidence that the defendant in incurring the debt or liability the subject of the action has obtained credit from the plaintiff under false pretences or by means of fraud or breach of trust, or has wilfully contracted such debt or liability without having had at the time a reasonable expectation of being able to pay or discharge the same, or if he has made or caused to be made any gift, delivery, or transfer of any property, or shall have charged, removed, or concealed the same with intent to defraud the plaintiff or any of his creditors, or if it shall appear to the satisfaction of the Magistrate that the defendant has since the judgment

Inferior Courts.

obtained against him had sufficient means and ability to pay the debt or damages or costs recovered against him either altogether or by any instalment or instalments which the Court in which the judgment was obtained shall have ordered, and if he has refused or neglected to pay the same as shall have been so ordered, it shall be lawful for such Magistrate if he shall think fit to order that such defendant be committed to the prison of his Division, there to be detained without hard labour for any period not exceeding thirty days, and every person so committed to prison shall be detained therein at the expense of Government.

Imprisonment
not exceeding
thirty days.

30. No person against whom any judgment has been given, or any order made concerning the payment of such judgment or of the costs appertaining thereto, shall be committed to prison merely by reason of his inability from want of means to pay such judgment and costs.

No imprisonment
for mere inability
to pay.

31. No imprisonment under the 29th Section of this Law shall operate as a satisfaction [or extinguishment of the debt or cause of action on which a judgment has been obtained, or shall protect the party indebted under such judgment from being anew summoned and imprisoned for any new fraud or other default mentioned in the said 29th Section, or prevent the plaintiff from taking out execution against the goods and chattels of the defendant in the same manner as if such imprisonment had not taken place.

Imprisonment
not to operate
as a satisfaction
of a debt, or
prevent execu-
tion against
property.

32. The Messenger of any Magistrate's Court executing any process of execution against any person shall by virtue thereof seize and take and lay under attachment any movable property belonging to the defendant, or whereof he is the reputed owner, wheresoever the same may be found, whether in the possession of the defendant or of any other person who may be holding the same to his order or by his request (excepting wearing apparel or bedding and the tools and implements of his trade, the latter to the value of Five Pounds, which shall be protected from seizure): Provided that nothing herein contained shall invalidate any sale or transfer of property made in good faith and for fair and valuable consideration, to any person having at the time no knowledge of any action affecting the property being instituted, and provided that upon satisfactory proof upon oath the Magistrate having jurisdiction may release from attachment property which has been in good faith sold by, lent to, or hired by any such defendant, or which has been otherwise improperly attached.

Messenger may
attach movable
property.

Wearing apparel
and tools up to
£5 not to be
attached.

Certain sales
prior to attach-
ment of property
not invalidated.

33. If any person against whom any judgment or order has been made shall, being at the time indebted to a greater amount than he has means to pay, have conveyed, assigned, or transferred any movable property belonging to himself, to his wife, children, or any of his relatives, or other person, or have delivered or made over to any such person any bonds, notes, or securities for money belonging to himself, the Magistrate having jurisdiction shall have power to order the same to be seized and sold by the Messenger of the

When Magis-
trates may
authorise seizure
of movable
property, &c.

Inferior Courts.

Court, and every such sale shall be valid against such defendant, his wife, children, or relatives, or any other person claiming through the said defendant.

Messenger to hold securities.

Plaintiff may sue on them.

Judgments remain in force for six years.

Execution not to be issued after six years without leave.

When Messengers may serve processes outside the limits of their Division.

Jurisdiction of Magistrates in actions of ejectments for non-payment of rent, &c.

Magistrate may grant orders interdicting removal of goods in cases of rent.

34. The Messenger of the Court shall hold any cheques, promissory notes, bills of exchange, bonds, or other securities for money which shall have been seized by him as aforesaid on behalf of the plaintiff, and the plaintiff may sue upon such securities for money, in satisfaction of the judgment he has obtained, and by virtue whereof the said securities were seized, in like manner as if the judgment debtor had then ceded them to the judgment creditor.

35. All judgments, orders, and writs of execution, or other process for compelling payment of any judgment shall be of force and virtue, and may be acted upon as occasion may require within six years from the date of the original judgment in the action. Should the plaintiff have died within such period of six years, his executors or other legal representatives shall have power to take up the proceedings and act under the judgment obtained by the plaintiff in all respects as he could have done if living, and should the defendant have died within such period of six years, his estate then in the hands of his legal representatives, in their capacity as such, shall be deemed to be liable under any judgment obtained against the defendant: Provided that no execution shall be taken out under any such judgment or order after the lapse of six years from the date thereof, without leave first had and obtained from the Court by which the same was made.

36. Messengers of the Court shall not serve or execute any process outside the limits of the Division to which they have been appointed, but all Messengers shall act as and shall be deemed to be the deputies of all other Messengers within their respective Divisions, and shall serve and execute all summonses, writs, notices, orders, or other processes of the Courts of other Divisions in the same manner as if issued by the Courts of their own Divisions.

37. The Magistrates shall have jurisdiction in all actions of ejectments against the tenant or occupier of any lands or premises situated within their respective Divisions, for the non-payment of rent under any lease, contract, or agreement, or of any breach of the same entitling the plaintiff to claim ejectment, or for the unlawful use and occupation of such land or premises, or for serious damage or injury to such premises, provided that the title to or in respect of any such land, lease, contract, or agreement be not in dispute, but only the right of occupation, and provided that the amount of rent already due and claimed, or the amount of the rent yet to accrue during the unexpired period of the lease or contract sued upon does not exceed the jurisdiction of the Magistrate before whom the action is brought.

38. When, and as often as the landlord of any land or premises shall personally or by his duly authorised agent, make an application supported by affidavit to the Magistrate within whose jurisdiction the lands or premises are situated, that an amount of rent not exceeding the jurisdiction of such Magistrate is due in respect of such land or premises, and that the said rent has been demanded, and

Inferior Courts.

that he believes that the tenant is removing, or is about to remove, the moveable property in and upon the said land or premises in order to defeat and avoid the payment of the rent so due and in arrear, it shall be lawful for such Magistrate to grant an order in writing authorising the Clerk of his Court to issue a writ of attachment addressed to the Messenger against the property in or upon the lands or premises in question to such an amount or value as may be sufficient to satisfy the amount of the claim, but not exceeding arrears of rent for twelve months and the then current gale, together with the costs and charges of the said attachment and of the action for the recovery of the said rent, which action shall be instituted simultaneously with the said application for attachment.

Clerk of Court to issue writ of attachment.

Action for rent to be instituted simultaneously with applications for attachment.

39. All property attached by the Messenger by virtue of the preceding section shall remain under attachment until the action for the recovery of the rent in respect of which the order was granted has been heard and determined, when the said property shall be dealt with as the Magistrate shall order, or until the said Magistrate shall, upon motion and application of any person other than the defendant claiming to be the owner, or to have an interest in such property, notice of which application shall be given to the plaintiff or his agent, make order concerning the release of the whole or part or continued attachment of the said property, or until the plaintiff shall apply for the release of the same from attachment, or until the defendant shall personally or by his duly authorised agent consent to an immediate sale to save costs and charges by the Messenger of the Court of such property, or so much thereof as may be sufficient to satisfy the claim of the plaintiff.

Property attached to remain under attachment until action heard, or until otherwise ordered.

40. Where it shall be made to appear to any Magistrate by any person that he has a matter of claim against or has suffered damage by or through any person residing or being within the Division of such Magistrate, and that such person is about to leave the Colony or is about to remove his property and effects from the Colony, it shall be lawful for such Magistrate, if the sum claimed be within his jurisdiction, to grant an order for the issue of the process of the Magistrate's Court for the arrest of such person or for holding him to bail and for his appearance upon a day to be named in such process, or to grant an order for the issue of a writ of attachment of such property and effects so about to be removed, to abide the judgment of the said Court upon such claim as aforesaid. And in case any such claim as aforesaid shall exceed the jurisdiction of the Magistrate, it shall be competent for the Magistrate to whom application is made to authorise the issue of the process of the Supreme Court for the arrest of any such person about to leave the Colony, or for the attachment of the said property so about to be removed from the Colony, and such process shall be executed in the like manner as other processes of the Supreme Court, and be made returnable on a day to be named therein, before the Supreme Court or the Circuit Court having jurisdiction over such person or property as aforesaid.

Claims against persons about to leave the Colony or about to remove property and effects from the Colony.

When claim exceeds the jurisdiction of Magistrate, process of Supreme Court may be issued.

Inferior Courts.

Complainant to make affidavit setting forth nature of claim before Magistrate shall issue process of arrest or attachment.

41. No such process of arrest or attachment as in the preceding section is mentioned shall be issued except the plaintiff, or his agent or other legal representative, shall make an affidavit setting forth the nature of the claim, and when and where it was contracted or arose and the particulars thereof, and that there exists no mortgage, pledge, or security for his demand, or none adequate thereto, and further, that the deponent believes the defendant to be about to leave the Colony or remove his goods therefrom, as the case may be, and stating the grounds of such belief.

Application for release may be made at any time upon notice.

42. When any person has been arrested or any property attached, the person so arrested or any party having an interest in the property so attached, may at any time upon notice to the plaintiff apply for the release of such person or property to the Court having jurisdiction, and such Court shall and may make such order as shall seem meet.

Magistrate may proceed in accordance with Sections 28 and 29 of this Law, in cases of arrest and attachment.

43. In all cases where a defendant has been arrested by virtue of Section 40 of this Law, the Magistrate before whose Court such defendant shall be brought may, if thereto required by the plaintiff, should the judgment be in his favour, proceed according to the provisions and directions of Sections 28 and 29 of this Law, and may also direct the continuance of the arrest or bail bond until security has been found for the payment of the judgment and costs, if any: Provided that if it shall be made to appear to the said Magistrate that the defendant is unable from want of means to satisfy the said judgment, the said defendant shall be immediately released from arrest.

Defendant to be released if unable from want of means to satisfy the judgment.

Powers of Magistrates in relation to the Custody of Children, and of Unmarried Native Women.

Magistrate shall enquire into complaints made by parents or guardians relative to custody of children, and of unmarried Native women.

44. In all cases of complaint by the parent or guardian of any person under the age of 21 years, and in the case of Natives by the father or guardian of any unmarried female of whatever age, that any person is harbouring or keeping the child or ward of such parent or guardian, or has hired and contracted with such child or ward as a domestic servant or otherwise, and prevents such child or ward from returning to the parent or guardian thereof, the Magistrate having jurisdiction shall inquire into such complaint, and, upon sworn information, direct the Clerk of the Court to issue due and proper notice to the accused, which notice shall set forth the act complained of, and shall appoint a day for the hearing of the same. All such complaints shall be enquired into and determined in the same manner as actions or suits are dealt with in Magistrates' Courts, and the Magistrate may grant an order for access by the parent or guardian to the child or ward, or native woman as the case may be, and may cancel any contract or agreement entered into by the said child or ward or native woman, and may also make such further or other order as to the said Magistrate shall seem meet:

How complaints shall be enquired into.

Inferior Courts.

Provided that in dealing with such cases and making orders therein the Magistrate shall have regard to the welfare of the child or ward or native woman, and to the conduct of the parents or guardian, and to the wishes of the mother as well as of the father.

Welfare of child, or ward, or Native woman, to be regarded.

45. All such orders as aforesaid may be enforced by the Messenger of the Magistrate's Court, or by a constable thereof, by writ or warrant issued by the Clerk of such Court, and any disregard or contempt of such writ or warrant may be punished by fine not exceeding Five Pounds sterling, or by imprisonment in default of payment thereof, not exceeding one month, with or without hard labour.

Messenger or Constable may enforce orders.

Penalty if writ or warrant disregarded.

Appeals.

46. If any prisoner or convicted person shall be dissatisfied with the judgment imposed upon him by any Magistrate, it shall be competent for such person to appeal to the Supreme Court or to the Circuit Court having jurisdiction, and the Court appealed to may reverse, alter, vary, or confirm the judgment or sentence of such Magistrate, and make such order thereon as to it shall seem proper.

Appeal in criminal cases.

47. If any person being a party to any civil suit or action, or to any proceedings under the 44th Section of this Law, shall be dissatisfied with the judgment or order of any Magistrate or with any part of the proceedings in any such suit or action, it shall be competent for such person to appeal to the Supreme Court or to the Circuit Court having jurisdiction, and the Court appealed to shall revise the proceedings in the case, and may reverse, alter, or confirm the judgment or order of such Magistrate, or make such order thereon as to it shall seem proper: Provided that no proceedings for appeal shall be instituted in any case where the judgment is for a less sum than £5, exclusive of costs, without the leave of the Magistrate.

Appeals in Civil cases, or against orders made under the 44th Section.

No appeal where judgment is for less than £5 without leave.

48. Proceedings for appeal shall be instituted within one month from the date of the order or judgment to be appealed against: Provided, however, that the Supreme Court or the Circuit Court having jurisdiction, upon application made to it upon due notice to all other parties, may, on sufficient cause appearing, order an extension of the time within which notice to appeal may be given or proceedings taken for the prosecution thereof.

Proceedings for appeal to be instituted within one month.

On sufficient cause appearing, Court having jurisdiction may order an extension of time.

49. Notice of appeal shall be lodged with the Clerk of the Court of the Magistrate, and in every case in which notice has been so lodged, it shall have the effect of staying execution of the sentence, judgment, or order to be appealed against until the appeal be heard and determined, except in case of a sentence of imprisonment, which shall be enforced unless bail be given to the satisfaction of the Magistrate. Proceedings for appeal shall be prosecuted with all reasonable speed after the lodging of notice as aforesaid.

Notice of appeal to be given and shall have the effect of staying execution except in case of a sentence of imprisonment.

50. Where the judgment or order of any Magistrate in any criminal or civil case is appealed from, the Magistrate by whom such judgment or order was granted shall deliver to the Clerk of the Court for transmission to the Registrar of the Court for hearing the

When judgment appealed from a statement of facts proved, and reasons for judgment shall be

Inferior Courts.

sent to the Registrar of the Court for hearing appeal.

Such statement may be inspected by persons interested therein.

appeal, a concise statement of the facts which he found to have been proved, and his reasons for the judgment or order pronounced : Provided always that such statement of facts and reasons for judgment may be applied for by any party in any criminal or civil case prior to the institution of proceedings upon appeal, and shall be placed on record with the case to which they refer not later than seven days after such application, and be available for the inspection of all persons interested therein.

Assistant Magistrates.

Governor may appoint Assistant Magistrates.

51. The Governor may from time to time appoint for any Division one or more fit and proper person or persons to be styled Assistant Magistrates, who shall, subject to the provisions of this Law, have and exercise all the power and jurisdiction of a Magistrate in all cases, criminal and civil, within the division to which he has been appointed, or such Assistant Magistrate may be appointed to administer criminal jurisdiction only, or civil jurisdiction only, as to the Governor may seem most desirable.

Constables.

European Constables to be appointed by the Governor.

52. The Governor shall from time to time appoint such number of European constables as may be deemed sufficient for the requirements of each Division, and may dismiss or remove the same, and may direct at what places the said constables are to be stationed, and the description of uniform or dress the said constables shall wear, and every constable so appointed shall be within his Division an officer of the law proper for the execution of criminal warrants, and shall be vested with the powers conferred by Ordinance No. 18, 1845, on officers of the law, and be otherwise subject to the provisions of the said Ordinance.

Magistrates may appoint Natives and Indians to act as Constables.

53. The Magistrates within their respective Divisions shall have power and authority to appoint from time to time such number of Natives and Indians to act as constables as the Governor may direct as sufficient for the requirements of each Division, and may direct the said constables to be stationed at such places within the Division as the Magistrates may appoint, and may dismiss or remove the same, and all constables appointed by the Magistrates shall have and possess the same powers and authorities as a constable appointed by the Governor, and shall in like manner be subject to the provisions of Ordinance No. 18, 1845.

Contempt of Court.

Contempt of Court defined.

54. If any person shall wilfully insult the Magistrate within his Court or its precincts or any Clerk or Messenger or other Officer of such Court during his attendance therein, or shall wilfully interrupt the proceedings of such Court or misbehave in such Court by being drunk or disorderly or in any other manner, or if any person, when under examination as a witness, wilfully prevaricates or commits perjury, it shall be lawful for any constable, messenger, or

Inferior Courts.

private person by order of the Magistrate to take any such offender into custody, and to detain him until the rising of the Court, and the Magistrate shall be empowered to deal with such offender summarily for contempt of his Court, and to commit him to prison until further order, or for a certain time, but in no case for a longer period than twenty days, with or without hard labour, or to impose upon such offender a fine not exceeding Five Pounds, and in default of payment of any fine to commit the offender to prison for any period not exceeding seven days with or without hard labour. All such cases shall be duly recorded in the records of the said Magistrates' Courts: Provided that any person charged with an offence under this Section shall, before the charge is enquired into, be informed that he has a right to be tried upon summons, and, if he requires it, shall be so tried accordingly, otherwise the charge may be proceeded with summarily.

Penalty for contempt of Court.

Persons charged under this Section may be tried upon summons or summarily.

List of Criminal Trials to Attorney-General.

55. Every Magistrate shall, as early as possible after the close of each month, prepare and transmit to the Attorney-General a list or return of all criminal cases adjudicated upon by him during the preceding month, showing the name of the prosecutor or complainant, the name of the person accused, the crime or offence charged, the judgment of the Court, and the sentence pronounced.

Monthly return of criminal cases to be transmitted to the Attorney-General.

Taking of Oaths.

56. Every person who shall in manner aforesaid be appointed to be a Magistrate or an Assistant Magistrate or to act as a Magistrate, shall, as soon as may be after the acceptance of such office, take the oath of allegiance, and the oath of office or judicial oath in the manner and form as provided in the Law No. 14 of 1869, known as the "Promissory Oaths Law, 1869," and such oaths shall be recorded in the record or note book of the criminal proceedings of his Court, or of the Court to which he shall have been appointed to act as the case may be, provided that no proceedings, judgment, sentence, or order shall be invalidated merely from any delay in taking such oaths, and provided also that whenever any Magistrate or Assistant Magistrate shall be appointed to any other Division such oaths shall not have to be taken and subscribed.

Oaths to be taken by Magistrates and Assistant Magistrates.

General Provisions.

57. The Courts of the Magistrates shall be Courts of Record, and all pleadings and proceedings, and all judgments, sentences, orders, and processes of the said Courts shall be in the English language, and all judgments and sentences of the said Courts shall be pronounced and declared in open Court, and not otherwise, and in all criminal cases the witnesses against and for any accused person or persons shall give and declare their evidence *viva voce* and in open Court.

Magistrates Courts to be Courts of Record.

Proceedings and pleadings in English language.

Evidence to be *viva voce*, and in open Court in Criminal cases.

Inferior Courts.

Directions regarding costs when cases within the jurisdiction of Magistrates are brought in the Superior Courts.

58. If any action shall after the commencement of this Law be commenced in the Supreme or any Circuit Court, which action might by reason of its being within the jurisdiction of any Magistrate, as by this Law defined, have been instituted and brought in the Court of a Magistrate, the said Supreme or Circuit Court, if the judgment in such action shall be in favour of the plaintiff, shall, if granting the said plaintiff any costs, award only such costs as he would have been entitled to had the action been brought in the Magistrate's Court having jurisdiction, and if the judgment by the Supreme or Circuit Court in any such action as aforesaid shall be in favour of the defendant, he shall be entitled to his costs as between attorney and client, unless in either case the Court trying the action shall from its nature and circumstances see fit to order otherwise.

Actions against Magistrates or Officers of a Magistrate's Court.

59. In all cases in which any action shall be brought against any Magistrate or against any officer of a Magistrate's Court for or on account of anything relating to his conduct in his office, or for any act or thing done in relation thereto, the plaintiff may, at his election, bring his action in the Supreme or any competent Circuit Court, although some Magistrate's Courts might have had jurisdiction, and the question of costs shall be judged of by the Court in which it is brought in like manner as if it could not have been brought in any other.

Agents of Magistrates' Courts.

60. It shall and may be lawful for the Magistrates to admit and enrol, as agents of their Courts, such persons of full age and of good fame and character as shall be desirous of being so enrolled, with power to remove the same, subject to any rules appertaining to the admission and conduct of such agents: Provided always that no person other than an Advocate or Attorney of the Supreme Court shall be entitled to practise in the Court of the Division of Durban. Advocates and Attorneys of the Supreme Court shall be entitled to appear and practise in the Courts of the Magistrates without any authority or permission from any of the Magistrates being requisite or necessary, provided that no Advocate or Attorney being suspended by the Supreme Court, shall be allowed or admitted to practise in any Magistrate's Court as such agent as aforesaid.

Durban excepted.

Advocates and Attorneys may practise without any further qualification.

Framing of Rules.

Governor may appoint a Board to frame rules.

61. It shall be lawful for the Governor to appoint from time to time a Board of five persons, consisting of some practising Advocate or Attorney of the Supreme Court, the Registrar of the Supreme Court, and any three Magistrates, to frame rules, regulating and providing for any of the following matters in criminal and civil cases in the Magistrates' Courts :—

- a. The duties of the several officers of the Court.
- b. The records to be kept and the forms of processes to be used.
- c. The manner and form for requiring or compelling the attendance of prisoners, parties, and witnesses.

Inferior Courts.

- d. The judgments, decrees, or orders to be given, and the effect and duration of the same, and the manner of carrying the same into execution.
- e. The judgments, decrees, or orders which may be appealed against, and the mode of proceeding, and the forms to be used in appeals or reviews.
- f. The persons entitled to appear as agents, and the fees and charges to be made and taken by advocates, attorneys, and enrolled agents.
- g. The fees and charges to be imposed and taken by officers of the Court.
- h. The taxation of bills of costs for fees and charges incurred, and disbursements made, in connection with business in Magistrates' Courts, whether between party and party, or Attorneys and Agents and their clients.
- i. The allowances to be made to witnesses in civil cases for their attendance and travelling expenses.
- j. And generally for giving full and complete effect to the jurisdiction of these Courts as conferred and established by any Law now or hereafter to be in force.

All rules so framed shall be subject to approval by the Governor in Council, and shall if so approved have effect after the date of promulgation thereof in the *Natal Government Gazette*.

Rules subject to approval of Governor.

62. This Law shall have effect on and after the first day of January, 1890.

Commencement of Law.

SCHEDULE.

Ordinance No. 16, 1846, entitled "Ordinance for creating Resident Magistrates within the District of Natal."

Ordinance No. 1, 1849, entitled "Ordinance for authorising the taking of certain Fees by the Registrar of the District Court of Natal."

Ordinance No. 5, 1852, entitled "Ordinance for enabling the Resident Magistrate to grant process for the Arrest of Persons about to leave the District, and the Attachment of Property about to be removed therefrom."

Ordinance No. 8, 1852, entitled "Ordinance to extend the jurisdiction of the Resident Magistrate of the Division or County of Durban, in Civil Cases."

Ordinance No. 12, 1852, entitled "Ordinance for enabling the Lieutenant-Governor to appoint Assistant Resident Magistrates within the District of Natal."

Law No. 6, 1859, entitled "Law to provide for the holding of Branch Courts by the Resident Magistrate."

Law No. 14, 1867, entitled "Law to facilitate the Recovery of Small Debts and Demands within the Colony of Natal."

Inferior Courts.—Fencing.

Law No. 6, 1868, entitled "Law to amend the Law No. 14, 1867, entitled 'Law to facilitate the Recovery of Small Debts and Demands within the Colony of Natal.'"

Law No. 10, 1868, entitled "Law to extend the jurisdiction of the Resident Magistrates of the Colony in Civil Cases."

Law No. 9, 1869, entitled "Law to amend Law No. 14, 1867, entitled, 'Law to facilitate the Recovery of Small Debts and Demands within the Colony of Natal.'"

Given at Government House, Natal, this Fourteenth day of August, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,

Acting Colonial Secretary.

LAW No. 23, 1889.

(Signed) C. B. H. MITCHELL.

To Amend the Fencing Law, 1887.

Preamble.

WHEREAS it is expedient to limit the operation of the 43rd Section of Law No. 30, 1887, to persons unable to pay immediately a moiety of the expense of erecting dividing fences :

Be it therefore enacted by the Administrator of the Government of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

Sec. 43 of Fencing Law, 1887, amended.

1. The words *or unwilling*, occurring in the 43rd Section of the Fencing Law, 1887, shall be, and the same are hereby expunged.

Further amended.

2. The words *five per centum* occurring in said Section of said Law shall be and the same are hereby expunged, and the words "*eight per centum*" inserted and substituted in lieu thereof.

Schedules C and D of said Law repealed.

3. The Schedules C and D annexed to the said Fencing Law shall be and the same are hereby repealed, and in lieu thereof there shall be substituted and enacted the Schedules C and D to this Law annexed.

Fencing.

SCHEDULE C.

Table of Equal Instalments payable at the end of each year for Fifteen Years, corresponding to amounts payable under Section 8 of this Law :—

Amounts payable.				Equal instalments payable at the end of each year for 15 years		
£				£	s.	d.
1	...	...	...	0	2	4
2	...	...	...	0	4	8
3	...	...	...	0	7	0
4	...	...	...	0	9	4
5	...	...	...	0	11	8
6	...	...	...	0	14	0
7	...	...	...	0	16	4
8	...	...	...	0	18	8
9	...	...	...	1	1	0
10	...	...	...	1	3	4
20	...	...	...	2	6	9
30	...	...	...	3	10	1
40	...	...	...	4	13	6
50	...	...	...	5	16	10
60	...	...	...	7	0	2
70	...	...	...	8	3	7
80	...	...	...	9	6	11
90	...	...	...	10	10	3
100	...	...	...	11	13	8
200	...	...	...	23	7	4
300	...	...	...	35	1	0
400	...	...	...	46	14	8
500	...	...	...	58	8	4
600	...	...	...	70	2	0
700	...	...	...	81	15	8
800	...	...	...	93	9	4
900	...	...	...	105	3	0
1,000	...	...	...	116	16	8
2,000	...	...	...	233	13	4
3,000	...	...	...	350	10	0
4,000	...	...	...	467	6	8
5,000	...	...	...	584	3	4

NOTE.—Yearly instalments for any sum not mentioned in these columns, such as £2,345 may be obtained as follows :—

			£	s.	d.
£2,000 gives	...	...	233	13	4
300 „	...	...	35	1	0
40 „	...	...	4	13	6
5 „	...	...	0	11	8

Therefore £2,345 gives ... £273 19 6

Fencing.

SCHEDULE D.

Aggregate value of Unpaid Instalments, each £100 in amount, of which the first is payable at once; and subsequently at yearly intervals :—

Number of Instalments
of £100 each.

Aggregate Value.
£ s. d.

1	...	..	...	...	100	0	0
2	...	...	...	...	192	11	10
3	...	...	...	...	278	6	6
4	...	...	...	...	357	14	2
5	...	...	...	...	431	4	3
6	...	...	...	...	499	5	5
7	...	...	...	...	562	5	9
8	...	...	...	...	620	12	9
9	...	...	...	...	674	13	3
10	...	...	...	...	724	13	9
11	...	...	...	...	771	0	2
12	...	...	...	...	813	17	11
13	...	...	...	...	853	12	2
14	...	...	...	...	890	17	6
15	...	...	...	...	924	8	5

Given at Government House, Natal, this 14th day of
August, 1889.

By command of His Excellency the Administrator,

(Signed) A. H. HIME,
Acting Colonial Secretary.

1, 7/ 2, 3.
3/16/10

